

ATTACHMENT 2

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IN THE CITY OF CHICAGO
DEPARTMENT OF ADMINISTRATIVE HEARINGS
MUNICIPAL HEARINGS DIVISION
APPEALS - DENIALS OF PARADE PERMITS

Chicago Alliance Against)
Racist & Political Repression)
)
Petitioner,)
)
v.) Docket #24PA000003
)
CITY OF CHICAGO,)
(Dept. of Streets & Sanitation))
)
Respondent.

Hearing date: February 14, 2024

Location: Central Hearing Facility,
400 West Superior,
Chicago, IL

Administrative Law Judge: Frank Lombardo

For the City of Chicago:

Attorney: Matthew Spahr
Attorney: Christopher Dionne
Witness: Bryan Gallardo
Witness: None

For the Plaintiff:

Attorney: Daniel Massoglia
Attorney: Madeline Townsend
Attorney: Jacqueline Spreadbury
Witness: Kobi Guillory:
Witness: Joe Iosbaker

1 ADMINISTRATIVE LAW JUDGE LOMBARDO:

2 This is Administrative Law Judge Frank Lombardo.

3 Today is February 14, 2024, in Room 105, Central

4 Hearing Facility.

5 Okay. I am Administrative Law Judge
6 Frank Lombardo. I've been appointed to hear this
7 matter today. I am an attorney, I'm not an
8 employee for the City of Chicago, so I don't
9 represent either party to this matter. I'm here to
10 listen to the evidence and then make a
11 determination whether, in this case, the
12 Commissioner of the Department of Transportation
13 made a proper decision under the ordinance. And
14 either affirm or reverse his decision.

21 MR. SPAHR: ACC Matthew Spahr, S, P as
22 in Pepper, A-H-R.

23 ADMINISTRATIVE LAW JUDGE LOMBARDO:

24 And you?

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1 MR. DIONNE: ACC Chris Dionne,

2 D-I-O-N-N-E.

3 ADMINISTRATIVE LAW JUDGE LOMBARDO:

4 And for the applicant?

5 MR. MASSOGLIA: Daniel Massoglia,

6 M-A-S-S-O-G-L-I-A, for the Coalition.

7 MS. TOWNSEND: Madeline Townsend,

8 T-O-W-N-S-E-N-D, also for the Coalition.

9 MS. SPREADBURY: Jacqueline

10 Spreadbury, S-P-R-E-A-D-B-U-R-Y, also for the

11 Coalition.

12 ADMINISTRATIVE LAW JUDGE LOMBARDO:

13 Okay. Thank you. All right. This is concerning

14 the parade permit application of March on the DNC

15 and March on the DNC 08-22-24. Sponsoring

16 organization Chicago Alliance Against Racist and

17 Political Repression. And it's been given the

18 Docket Number 24PA000003. Any preliminary matters?

19 MR. MASSOGLIA: Yes, Your Honor.

20 There were two motions filed [inaudible] in the

21 past day. Yesterday, the City presented a motion

22 styled as a motion to limit the scope. Seeking to

23 limit the argument evidence, appeal, and testimony

24 that would be elicited today.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO:

2 Uh-huh.

3 MR. MASSOGLIA: We received service of
4 that at 4:27 p.m. yesterday. As a result of that
5 motion we have moved separately for a continuance.

6 It's not yet file stamped, but it was served upon

7 Counsel --

ADMINISTRATIVE LAW JUDGE LOMBARDO

9 Uh-huh.

10 MR. MASSOGLIA: -- yesterday evening
11 or early this morning. I have a copy for the
12 Court. But I --

13 ADMINISTRATIVE LAW JUDGE LOMBARDO: So
14 City filed a motion you're saying?

15 MR. MASSOGLIA: Yes.

16 MR. DIONNE: Yes, Judge.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO:

18 All right. Mr. Dionne, what's that about?

19 MR. DIONNE: Yes, Judge. The City
20 filed a motion and the file was stamped yesterday
21 with Department of Administrative Hearings,
22 specifically asking that this Court in this hearing
23 limit the scope. Does Your Honor have a copy of
24 the motion that was filed by the City?

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: I
2 do not.

3 MR. DIONNE: Okay. One moment.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO:

5 You know what? Just -- let's do this. You know,
6 we don't really do motion practice here. So what's
7 the -- just give me a quick -- what's the nature of
8 your motion.

9 MR. DIONNE: Well, Judge, at issue is
10 what's going to be litigated at today's hearing.
11 Specifically, that -- the factual analysis, on
12 January 10, 2024, the Petitioner filed an
13 application for the parade using the public way
14 with the Chicago Department of Transportation,
15 which is attached at City's Exhibit 1 in our
16 motion.

17 On January 22, 2024, the Chicago
18 Department of Transportation or CDOT denied the
19 Petitioner's parade application and provided an
20 alternate route as required under the code. The
21 Petitioner did not file an appeal of that decision.

22 On January 30, 2024, the Petitioner
23 filed a second parade permit application. Now,
24 other than the date of the second parade and the

1 name of the second parade, Petitioner's second
2 parade application was identical to the first
3 application, which is attached as Exhibit 3 from
4 the City.

5 CDOT then denied the Petitioner's
6 January 30, 2024 parade application under Sections
7 10-8-330(d)(1) and 10-8-330(d)(3) of the code on
8 February 1, 2024, attached as City's Exhibit 4.

9 Then on February 7, 2024, Petitioner
10 filed an appeal of CDOT's "rejection of our parade
11 permit application." And attached two exhibits
12 purportedly of both of its applications and the two
13 exhibits of CDOT's denial.

14 The City is specifically requesting
15 and noting that Petitioner failed to file a timely
16 appeal of the prior January 22, 2024 application
17 and, consequently, that denial should not be
18 included or made part of the pending parade permit
19 denial, which is at issue today.

20 ADMINISTRATIVE LAW JUDGE LOMBARDO:

21 Okay. So basically, you're saying there was two
22 applications and two denials?

23 MR. DIONNE: There were two
24 applications and two separate denials and only one

1 appeal filed.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO:

3 All right. And you're saying only one appeal, so
4 we should only consider one application and one
5 denial?

6 MR. DIONNE: We should only be
7 hearing today the February 1, 2024 denial as that
8 was the only appeal that was filed --

9 ADMINISTRATIVE LAW JUDGE LOMBARDO:

10 All right --

11 MR. DIONNE: -- within the five
12 business days.

13 ADMINISTRATIVE LAW JUDGE LOMBARDO:

14 And for the Applicant -- are you the lead attorney,
15 Mr. Massoglia?

16 MR. MASSOGLIA: Yes, sir.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO:

18 Okay. Counsel's telling me that you filed your
19 request for a review of your permit application,
20 but you attached two applications and two denials.
21 So what is your intent; which one are you looking
22 for a review on?

23 MR. MASSOGLIA: Yeah, and I apologize
24 for the confusion. I was not retained by

1 Respondent in this matter until Friday.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO:

3 Uh-huh.

4 MR. MASSOGLIA: And so I believe there
5 was some confusion about how the ordinance worked.

6 ADMINISTRATIVE LAW JUDGE LOMBARDO:

7 Okay.

11 ADMINISTRATIVE LAW JUDGE LOMBARDO:

12 Okay.

13 MR. MASSOGLIA: But our position as
14 outlined in our Motion for a Continuance based on
15 this --

16 ADMINISTRATIVE LAW JUDGE LOMBARDO:

17 Okay. Well, like I said, we're not doing
18 motions --

19 MR. MASSOGLIA: Okay --

20 ADMINISTRATIVE LAW JUDGE LOMBARDO: So
21 with that clarification, Counsel for the City, is
22 your subject of your motion resolved?

23 MR. DIONNE: Well, that would be up
24 to the Court to determine what the scope of the

1 case --

2 ADMINISTRATIVE LAW JUDGE LOMBARDO:

3 Well, he's saying he only wants a hearing on the
4 second application, right?

5 MR. MASSOGLIA: Well --

6 ADMINISTRATIVE LAW JUDGE LOMBARDO: Or
7 second denial?

8 MR. MASSOGLIA: The basis for the
9 second denial was set [inaudible] in the first
10 application.

11 ADMINISTRATIVE LAW JUDGE LOMBARDO:

12 Okay. So --

13 MR. MASSOGLIA: So it's hard --

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: --
15 we'll get into the merits of it. But that's the
16 one you want the review on, right?

17 MR. MASSOGLIA: Well, we want a
18 continuance because we have to [inaudible] for our
19 strategy [inaudible]. If the Court -- if the
20 City's motion is not enumerated in the rules is
21 granted.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO:

23 Well, the motion is not going to be considered.

24 MR. MASSOGLIA: Okay.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: We
2 don't have motion practice and I think your
3 clarification resolves whatever the subject was
4 anyway.

5 MR. DIONNE: Right. And Judge, so I
6 guess the issue, then, here is that per the
7 ordinance, 10-8-330, upon submission of a duplicate
8 application, the City is permitted to deny it
9 outright. So at issue would just be the
10 duplicative nature at today's hearing of both
11 applications --

12 ADMINISTRATIVE LAW JUDGE LOMBARDO:
13 And that would be the subject of the hearing?

14 MR. DIONNE: That would be the only
15 subject of the hearing and not the bases [sic]
16 that were contained within the initial application.
17 So the City --

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: I
19 understand.

20 MR. DIONNE: -- only wishes to --

21 ADMINISTRATIVE LAW JUDGE LOMBARDO: I
22 mean, the scope of the hearing is defined by the
23 ordinance. So I'm certainly aware of that. So I
24 think having done the clarification that they're

1 going on the second application and the second
2 denial, we can proceed. Now, do you still want a
3 continuance knowing that we're only going to
4 proceed on the second application and the second
5 denial?

6 MR. MASSOGLIA: We would. We spent
7 about four hours last night responding with this
8 Motion for a Continuance. We interrupted our
9 hearing prep. If -- depending on how the -- how
10 Your Honor rules on objections over the course of
11 the day, just to provide just a little bit of
12 context, it would really sort of impact our ability
13 to fairly present the case.

14 I want to highlight a couple of things
15 first. That the manner of proof that we intend to
16 illicit relies upon both applications. Because if
17 something is duplicative, we have to consider what
18 is a duplicative. A duplicative can't exist --

19 ADMINISTRATIVE LAW JUDGE LOMBARDO:
20 No. I mean, and that's -- if that was submitted as
21 part of the evidence in the second denial,
22 certainly I'll consider it.

23 MR. MASSOGLIA: And then -- well, I
24 don't believe it was. They didn't --

1 ADMINISTRATIVE LAW JUDGE LOMBARDO:

2 Well, it hasn't been done yet.

3 MR. MASSOGLIA: Okay.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO:

5 That's why we're here.

6 MR. MASSOGLIA: And then the second
7 issue sort of is that the Notice of Hearing
8 provided by the City explicitly references that
9 this will be a hearing to contest the
10 "applications." The denial of the applications.
11 So the City provided notice indicating that this
12 hearing would at least encompass testimony and
13 argument and proof on both of those applications.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO:

15 Uh-huh.

16 MR. MASSOGLIA: So from a due process
17 standpoint, there wasn't adequate notice and, you
18 know, due process was [inaudible] but I believe
19 that, you know, there -- the equity of good counsel
20 and the law of good counsel is allowing Petitioner
21 time to address whatever Your Honor's eventual
22 approach to this --

23 ADMINISTRATIVE LAW JUDGE LOMBARDO: So
24 are you prepared to proceed on the hearing for the

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1 denial of the second application?

2 MR. MASSOGLIA: If our motion is -- if
3 our Motion for a Continuance is denied, we are
4 prepared to proceed. We would prefer not to
5 proceed. But we are prepared to proceed. And if
6 the -- we may renew the motion depending on --

7 ADMINISTRATIVE LAW JUDGE LOMBARDO:

8 Well, I mean, I can consider a Motion for a
9 Continuance based on good cause. So your good
10 cause is what?

11 MR. MASSOGLIA: Our good cause is
12 threefold. Petitioner has been -- sorry. The
13 client has been diligent whereas there was an
14 unfair surprise with this motion filed yesterday at
15 4:27 p.m., service was made at 4:27 p.m., forcing
16 us to interrupt our hearing prep.

17 This is the sort of thing that a
18 continuance is -- carries good cause for Your Honor
19 this tribunal has the authority within the
20 municipal code and Illinois appellate law to grant
21 the continuance when good cause is shown.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO:

23 Uh-huh.

24 MR. MASSOGLIA: And there is good case

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1 law that good cause -- continuances should be
2 granted when the interest of justice demands it,
3 essentially.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO:

5 Uh-huh.

6 MR. MASSOGLIA: And so that would be
7 our first argument. The second is the due process
8 points that I made, which is that we prepared for
9 this hearing in the five days since we've been
10 retained with the understanding that "applications"
11 from the City's notice were at issue.

12 If that is not going to be the case or
13 if that is going to be in question in any way, we
14 need time to prepare our clients to reorganize
15 [inaudible] our examination.

16 And then, finally, there's no
17 prejudice [inaudible]. The Democratic National
18 Convention is eight months away. Asking for a
19 short continuance at this point would not prejudice
20 the City, but failure to grant it would
21 prejudice -- based on what I've explained right
22 now, would prejudice my clients.

23 ADMINISTRATIVE LAW JUDGE LOMBARDO:

24 What kind of continuance are you looking for?

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1 MR. MASSOGLIA: 14 to 21 days.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO:

3 City, any response?

4 MR. DIONNE: Judge, the City would
5 answer ready today and ask that the Court deny the
6 continuance. Looking at fundamental fairness,
7 there is nothing in the Motion to Continue that
8 addresses the lack of filing an appeal process
9 within the five business days as recorded by the
10 stat -- excuse me, required by the statute. And
11 therefore, any continuance to address that is not
12 addressed in the Motion to Continue in the first
13 place.

14 We're looking at strictly the second
15 parade permit application and denial, which the
16 Petitioner has had in their possession during the
17 entirety of the preparation for this process. And
18 if they're answering ready to address that today,
19 then there's no prejudice as to them putting
20 together their case.

21 As such, Judge, the City answers ready
22 today and asks that you deny the continuance and
23 proceed to hearing.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO:

1 Okay. Thank you. All right. I don't believe
2 there's good cause for a continuance. I believe
3 you were -- or should be prepared to proceed on
4 both application and both denials, since that's
5 what you assumed. So with that being the case,
6 then we should go forward with it today.

7 MR. MASSOGLIA: Thank you.

8 ADMINISTRATIVE LAW JUDGE LOMBARDO: So
9 Motion to Continue is denied. Seeing how this is
10 request for hearing based on a denial and there are
11 time constraints and so forth with the filings, I'm
12 going to go back to the Applicant.

13 Would you please establish the basis
14 for your appeal and my authority to make a ruling
15 today?

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1 and the rationale behind the appeal is that these
2 permits were not duplicative and we don't know what
3 steps --

4 ADMINISTRATIVE LAW JUDGE LOMBARDO:

5 Well, let's -- we'll get into that. I'm just
6 looking for -- and you cited the ordinance and the
7 fact that you filed within five days. I believe
8 that's sufficient to give me authority. City,
9 anything?

10 MR. DIONNE: Judge, we're just
11 answering ready for today's hearing on the second
12 denial letter that was sent out from Department of
13 Transportation to the Petitioner on February 1, and
14 intends to be able to move forward to establishing
15 our *prima facie* case by a preponderance of the
16 evidence with the witness that the City has ready
17 to testify today.

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: If
19 you're ready to proceed, then proceed.

20 MR. MASSOGLIA: Additionally, Your
21 Honor, we'd like to make a [inaudible] admission
22 for subpoenas given your statements on -- that
23 you're considering both applications and both
24 denials today. For subpoenas for representatives

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1 of the United States Secret Service and the Chicago
2 Police Department.

3 If we are to, in fact, satisfy that
4 this is duplicative by comparing the process and
5 the examination impact each of the two
6 applications --

7 ADMINISTRATIVE LAW JUDGE LOMBARDO:

8 Uh-huh.

9 MR. MASSOGLIA: -- a subpoena is
10 necessary. We will be unable to defend our case
11 without a representative of the CPD to discuss
12 their consultation with CDOT and things along those
13 lines.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO:

15 Uh-huh. I'm going to reserve ruling on that for
16 right now. Let's see what it is that the City is
17 going to present. And if there's something that
18 requires that testimony, I'll certainly consider it
19 at that time.

20 MR. MASSOGLIA: Thank you.

21 ADMINISTRATIVE LAW JUDGE LOMBARDO:

22 All right?

23 MR. DIONNE: Judge, the City is
24 objecting to that subpoena at this point and is

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1 asking that the Court is only going to be ruling on
2 the one application that was denied February 1,
3 2024, today. And that's the sole basis for today's
4 hearing.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO:

6 Yeah. Did I not make that clear earlier?

7 MR. MASSOGLIA: Yeah, it's clear
8 [inaudible].

9 ADMINISTRATIVE LAW JUDGE LOMBARDO:
10 Right? So we're not considering the first
11 application or the first denial.

12 MR. MASSOGLIA: Oh, we're talking
13 about them, we're not --

14 ADMINISTRATIVE LAW JUDGE LOMBARDO:
15 Well, if they present it as part of their evidence
16 in the second denial, then certainly we'll consider
17 it.

18 MR. MASSOGLIA: Okay.

19 ADMINISTRATIVE LAW JUDGE LOMBARDO:
20 All right?

21 MR. MASSOGLIA: Thank you, Your Honor.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: So
23 we're clear on that? Okay.

24 MR. DIONNE: Yes, Judge.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO:

2 All right, Mr. Dionne.

3 MR. DIONNE: Mr. Spahr is going to
4 start with opening statement, Judge.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO:

6 Yeah.

7 MR. SPAHR: Yes, Judge. Good morning.

8 We're here today regarding the Petitioner's parade
9 application permit that was submitted to the
10 Chicago Department of Transportation on January 30,
11 2024. This application submitted by Petitioner
12 Chicago Alliance Against Racist and Political
13 Repression.

24 You'll hear through evidence and

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1 testimony today that the only differences between
2 this January 10th and January 30th application is
3 that the date of the requested parade was moved
4 from August 19th, the first day of the Democratic
5 National Convention to August 22nd, which is the
6 last day of the Democratic National Convention.

7 Additionally, the other only
8 difference between the applications is the name
9 whereby they just added the date of the new parade.
10 They -- labeling it March on the DNC 2024.

11 The Chicago Department of
12 Transportation denied the subsequent application
13 pursuant to Chicago Municipal Code 10-8-330(d)(1),
14 (d)(3), and (d)(4) in a letter sent to Petitioner
15 on February 1, 2024.

16 Subsection (d)(1) of the ordinance is
17 clear that no person or organization may submit
18 more than one application for a parade
19 substantially similar in theme or units described
20 or requesting an alternative or a route whether
21 using the same or different names.

22 Subsection (d)(3) goes on to provide
23 that where a person or organization submits
24 multiple applications for a parade substantially

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1 similar in theme or units described but requesting
2 an alternate date, whether using one name or
3 multiple names, that person or organization shall
4 not be eligible for such a permit and shall be in
5 violation of this Subsection (d).

6 Lastly, Subsection (d) (4) authorizes
7 the commissioner to disregard any such multiple
8 applications and to deny any permit on the basis of
9 a violation of Subsection (d).

10 As to the denial of the subsequent
11 application received on January 30, 2024, and the
12 denial sent by Chicago Department of Transportation
13 on February 1, 2024, the City will illicit
14 testimony as to the duplicity of the applications,
15 which were requested by the same organization,
16 submitted by the same applicant, seeking the parade
17 the same exact route with the same amount of 1,000
18 plus participants while only changing the name of
19 the parade and the date. Facts of all which are
20 clearly enumerated and prohibited within the
21 Chicago Municipal Code.

22 Accordingly, at the end of today's
23 hearing, the City would request this Court to
24 affirm the denial sent to the petitioners on

1 February 1, 2024, by the Department of
2 Transportation.

3 ADMINISTRATIVE LAW JUDGE LOMBARDO:

4 All right. Thank you, Mr. Spahr. Applicant, any
5 opening?

6 MR. MASSOGLIA: Good morning, Your
7 Honor. The Chicago Alliance against Racist and
8 Political Repression has organized marches of
9 protest in the City of Chicago for more than five
10 decades. In that time, they have advocated for the
11 rights of Black people and all oppressed people to
12 unite, organize, and fight for their freedom,
13 justice, and equality.

14 It's purported to spread a hopeful
15 message by organized protest that will uplift and
16 empower their community.

17 When the Chicago Alliance learned that
18 the 2024 Democratic National Convention would be
19 hosted in Chicago in April of last year, they
20 immediately began planning demonstrations to
21 protest the convention.

22 They formed a coalition with a number
23 of other organizations, including community groups,
24 workers organizations, Palestinian Liberation

1 Organizations, and more. This coalition planned a
2 march on the DNC in order to convey a set of seven
3 demands on the Democratic Party and the presumptive
4 Democratic nominee, current President Joe Biden.

5 Chicago Alliance has organized dozens,
6 if not hundreds of marches and protests, usually
7 unpermitted. However, they decided that it would
8 be in the best interests of the safety of their
9 members and their marchers, if the march on the DNC
10 was permitted. To do so they prepared an
11 application to march on the DNC on its opening day.

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1 Chicago and the world, the Alliance decided that
2 one march wasn't enough.

3 You will hear testimony that they then
4 decided to plan a second march on the DNC on its
5 final day when President Joe Biden is expected to
6 accept the Democratic nomination. The application
7 for this march was submitted on or about January
8 30th and denied February 1st.

9 As you will hear from members of the
10 Coalition, these were consistently planned as
11 distinct marches with distinct messages. The City
12 has not treated them as such. After denying the
13 August 19th march permit on unrelated grounds, the
14 City summarily denied the August 22nd permit on the
15 ground that it was duplicative of the August 19th
16 march.

17 This was in error. The Alliance did
18 not submit the application for the 22nd permit in
19 order to duplicate it. It intended to march both
20 days in order to effectively convey its message of
21 utmost disagreement with President Biden's actions.

22 The evidence will show that these were
23 not substantially similar marches, thus the denial
24 of the August 22nd permit on that ground was

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1 erroneous.

2 Furthermore, the limitations, we will
3 argue, on the Alliance's First Amendment rights to
4 use the traditional public ways to associate,
5 march, and convey their political message only once
6 a year or else face civil and criminal penalties is
7 an impermissible violation of their First Amendment
8 rights.

9 For the reasons we will provide in
10 this case, we ask that Court reverse the
11 determination from the Chicago Department of
12 Transportation and approve the route as proposed by
13 the applicants in their second permit application
14 to march on August 22nd.

15 ADMINISTRATIVE LAW JUDGE LOMBARDO:

16 Thank you. City, ready to proceed?

17 MR. SPAHR: Yes, Judge. At this time,
18 the City would call our first witness, Bryan
19 Gallardo.

20 ADMINISTRATIVE LAW JUDGE LOMBARDO:

21 Are there other witnesses in this room that --

22 MR. SPAHR: Not for the City. The
23 City would have a motion to exclude any witnesses
24 not currently testifying.

1 MR. MASSOGLIA: Petitioner would
2 object.

3 ADMINISTRATIVE LAW JUDGE LOMBARDO:
4 Objection overruled. I think a motion to exclude
5 is proper. Any witnesses that will testify in this
6 matter please step out of the room. You will be
7 called when your testimony is required. After your
8 testimony, you are, obviously, free to stay into
9 the room if your further testimony is not needed.

10 Any other occupants in the room will
11 not be allowed to testify. All right. Sir, what
12 is your name?

13 MR. GALLARDO: My name is Bryan
14 Gallardo, G-A-L-L-A-R-D-O.

15 ADMINISTRATIVE LAW JUDGE LOMBARDO:
16 Thank you. City, you can proceed.

17 MR. SPAHR: If we can swear in the

18 witness.

19 ADMINISTRATIVE LAW JUDGE LOMBARDO:

20 Oh, I'm sorry. Yes. Mr. Gallardo, raise your hand
21 for me, please. Do you swear the testimony you're
22 about to give will be the truth, the whole truth,
23 and nothing but the truth?

24 MR. GALLARDO: Yes, I do.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO:

2 Okay. I'm sorry, go ahead.

3

4 DIRECT EXAMINATION

5 BY MR. SPAHR:

6 Q. All right, Mr. Gallardo. Who do you
7 currently work for?

8 A. I work for the Chicago Department of
9 Transportation.

10 Q. And is that with the City of Chicago?

11 A. Yes, it is.

12 Q. And how long have you worked at the
13 City of Chicago Department of Transportation?

14 A. Since October of 2017.

15 Q. And what is your current position in
16 that department?

17 A. Assistant commissioner in charge of the
18 public way permitting office.

19 Q. And how long have you held that
20 position?

21 A. Since October of 2017.

22 Q. Okay. And as the assistant
23 commissioner, what are some of your
24 responsibilities, generally?

1 A. So I manage the public way permitting
2 office for the Chicago Department of
3 Transportation. And in that office we receive
4 applications for use of the public right of way
5 of varying types. It can be for construction, it
6 can be for a moving van, for manhole access, or
7 for festivals, athletic events, or protests, or
8 assemblies.

9 Q. Okay. And in regard to the parade
10 applications, is part of your responsibility to
11 respond to these applications?

12 A. Yes. We review the applications that
13 come in. If input from other departments is
14 needed we'll distribute it to those departments
15 for their input and then we will either approve
16 or deny the permits.

17 Q. And did the Chicago Department of
18 Transportation receive a parade permit
19 application from Chicago Alliance Against Racist
20 & Political Repression?

21 A. Yes, we did.

22 Q. And when did Chicago Department of
23 Transportation receive this application?

24 A. We received two applications. The

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1 first one on January 10th. The second on
2 January 30th.

3 Q. Okay. I will show you now what's been
4 marked as City's Exhibit 1. Do you recognize
5 this?

6 A. This was an application submitted on
7 January 10th by Chicago Alliance Against Racist &
8 Political Repression.

9 Q. And is this a true and accurate copy of
10 the parade permit application received on
11 January 10, 2024?

12 A. Yes, I believe it is.

13 Q. And where on this document does it
14 indicate the date that Chicago Department of
15 Transportation received said application?

16 A. We date stamped it on the day it was
17 received on the top right corner. You can see
18 that it was received on January 10th.

19 Q. Okay.

20 MR. SPAHR: At this time, the City would
21 seek to have Respondent's Exhibit 1 admitted into
22 evidence.

23 ADMINISTRATIVE LAW JUDGE LOMBARDO: You
24 have a copy of that?

1 MR. MASSOGLIA: No objection.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO: No
3 objection, it will be admitted and marked as City's
4 Exhibit 1.

5

6 (Whereby, City's Exhibit Number
7 1 having been admitted into
8 evidence.)

9

10 BY MR. SPAHR:

11 Q. Now after receiving this application,
12 did Chicago Department of Transportation respond
13 to it?

14 A. Yes, we did. As with all parade
15 applications that we receive, it was distributed
16 to various city departments for any input. And
17 once we received that input, we responded to the
18 letter with an objection.

19 Q. And what date did the Chicago
20 Department of Transportation respond with their
21 letter?

22 A. The objection letter was formally sent
23 on January 22nd.

24 Q. Okay. I will now show you what's been

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1 marked as City's Exhibit 2. What is this?

2 A. This is a copy of the objection letter
3 that was sent on January 22nd.

4 Q. And is this a true and accurate copy of
5 the denial letter sent on January 22, 2024 by
6 Chicago Department of Transportation?

7 A. Yes, I believe it is.

8 MR. SPAHR: At this time, the City will
9 seek what's been marked as City's Exhibit 2 be
10 admitted into evidence.

11 ADMINISTRATIVE LAW JUDGE LOMBARDO:
12 Counsel?

13 MR. MASSOGLIA: No objection, Your Honor.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: All
15 right. City, for clarification. Was your first
16 exhibit A or 1?

17 MR. SPAHR: City's Exhibit 1.

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: 1,
19 okay. City's Exhibit 1. And then this will be
20 City's Exhibit 2. Okay.

21

22 (Whereby, City's Exhibit Number
23 2 having been admitted into
24 evidence.)

1

2 BY MR. SPAHR:

3 Q. Now, did the Chicago Department of
4 Transportation receive any appeal to the
5 application marked as City's Exhibit 1?

6 A. Not that I'm aware of, no.

7 Q. And did City of Chicago Department of
8 Transportation receive any subsequent
9 applications submitted by Chicago Alliance
10 Against Racist & Political Repression?

11 A. Yes. We received a second application
12 on January 30th.

13 Q. And I will now show you what has been
14 marked as City's Exhibit 3. What is this?

15 A. This appears to be a application from
16 the Chicago Alliance Against Racist & Political
17 Repression that was received by our office on
18 January 30th.

19 Q. And where on that document does it
20 indicate the date that CDOT received this
21 application?

22 A. So on the top right hand corner, you'll
23 see that it was date stamped on January 30th.

24 Q. And is this a true and accurate copy of

1 the application received by Chicago Department of
2 Transportation on January 30, 2024?

3 A. Yes, I believe it is.

4 MR. SPAHR: Okay. At this time, the City
5 would seek -- have City's Exhibit 3 be admitted into
6 evidence.

7 ADMINISTRATIVE LAW JUDGE LOMBARDO:

8 Counsel?

9 MR. MASSOGLIA: No objection.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: No
11 objection. City's Exhibit 3 will be admitted as
12 evidence.

13

14 (Whereby, City's Exhibit Number
15 3 having been admitted into
16 evidence.)

17

18 BY MR. SPAHR:

19 Q. Now, Assistant Commissioner, after
20 receiving the January 30th application did you
21 compare it to the application received by the
22 same individual on January 10th?

1 everything except for the date and a slight
2 change to the name appeared to be the same on
3 both applications.

4 Q. And did the -- did you reply to this on
5 behalf of the Chicago Department of
6 Transportation?

7 A. Yes. An objection letter was sent on
8 February 1st, noting that per the ordinance we
9 cannot take in two applications for the same
10 event.

11 Q. I will now show you what's been marked
12 as City's Exhibit 4. What is this?

13 A. This is a copy of the denial letter
14 that was sent on February 1st noting that two
15 submittals for the same event cannot be received
16 by CDOT.

17 Q. And is this a true and accurate copy of
18 the letter sent out by Chicago Department of
19 Transportation on February 1, 2024?

20 A. Yes, I believe it is.

21 MR. SPAHR: At this time, the City would
22 seek to have Respondent's -- City's Exhibit 4
23 admitted into evidence.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

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1 MR. MASSOGLIA: No objection.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO: No
3 objection. City's Exhibit 4 will be admitted as
4 evidence.

5

6 (Whereby, City's Exhibit Number
7 4 having been admitted into
8 evidence.)

9

10 MR. SPAHR: One moment, Judge. City has
11 no further questions for the witness at this time.

12 ADMINISTRATIVE LAW JUDGE LOMBARDO: All
13 right. Counsel, cross?

14

15 CROSS EXAMINATION

16 BY MR. MASSOGLIA:

17 Q. Good morning, Mr. Gallardo. Is that
18 the correct pronouncing?

19 A. Gallardo, whatever you prefer.

20 Q. Okay, Mr. Gallardo. So this permit,
21 the January 30th permit, seeking a parade on
22 August 22nd, which I believe was the City's
23 Exhibit 3, you denied it as duplicative of the
24 prior permit application; is that correct?

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1 A. Yes.

2 Q. And that permit application, the first
3 one, was for August 19th, a different day,
4 correct?

5 A. Correct.

6 Q. So I'd like to talk a little bit about
7 what you did to determine it was duplicative.

8 Did you do any analysis of traffic data for those
9 two days?

10 MR. SPAHR: Objection. Relevance.

11 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,
12 where are you going with that question? The
13 objection was -- or the decision was based on the
14 application, right?

15 MR. MASSOGLIA: Yes, seems so.

16 ADMINISTRATIVE LAW JUDGE LOMBARDO: So
17 where are you going with the question on that did
18 they --

19 MR. MASSOGLIA: The question is if these
20 two parades are duplicative, we need to
21 understand why parades on two different dates are
22 duplicative. And that would include --

23 ADMINISTRATIVE LAW JUDGE LOMBARDO: Is it
24 the parade that's duplicative or the application?

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1 Is that the question?

2 MR. MASSOGLIA: The parade is not
3 duplicative and our position is neither is the
4 application.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well, I
6 think the denial was based on the application
7 so --

8 MR. MASSOGLIA: The denial was based on the
9 application --

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: Go
11 ahead and ask him questions relevant to the
12 denial of the application. I don't know if the
13 background data that he may or may not have
14 viewed concerning the initial or the subsequent
15 application is relevant. So objection sustained.

16

17 BY MR. MASSOGLIA:

18 Q. So I would just like to note that --
19 well, so these permits were -- these applications
20 were denied on different grounds, correct?

21 A. I'm not sure what you mean by different
22 grounds. The second application, if that's what
23 you're asking about, was denied because it was
24 duplicative of the first application, which isn't

1 allowed by the ordinance.

2 Q. And the first application was denied,
3 not because it was duplicative but for other
4 reasons?

5 MR. SPAHR: I would object. The --

6 ADMINISTRATIVE LAW JUDGE LOMBARDO:

7 Overruled. Let him answer.

8 THE WITNESS: No, the first application was
9 circulated as all applications of this type are.
10 And we received objections based on the impact to
11 traffic, the impact to city resources, and other
12 events that were taking place in the area at the
13 time.

14 MR. MASSOGLIA: At this point, Your Honor,
15 I'd argue that the question of traffic is now
16 relevant to this hearing.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO:

18 Overruled.

19

20 BY MR. SPAHR:

21 Q. And you said you consulted with other
22 city -- with other agencies on that first
23 application; is that right?

24 MR. SPAHR: Objection. Relevance.

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1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Repeat
2 the question, please.

3 MR. MASSOGLIA: You said that you consulted
4 with other agencies as part of that first
5 application -- considering the first application;
6 is that correct?

7 ADMINISTRATIVE LAW JUDGE LOMBARDO:
8 Sustained.

9

10 BY MR. MASSOGLIA:

11 Q. What do you -- what do you -- let me
12 ask you -- let me take a copy of City's
13 Exhibit 4, the denial from the second
14 application. Do you have a copy of that
15 [inaudible]?

16 ADMINISTRATIVE LAW JUDGE LOMBARDO: Say
17 that again, sir.

18 MR. MASSOGLIA: This is [inaudible].

19 ADMINISTRATIVE LAW JUDGE LOMBARDO: He can
20 refer to it as City Exhibit 4, that's fine.

21

22 BY MR. MASSOGLIA:

23 Q. So let's talk about the specific
24 reasons for the denial. You can see this

1 document and that's the Chicago Department of
2 Transportation letterhead on the top there,
3 right?

4 A. Yes.

5 Q. And your signature on the bottom?

6 A. Yes.

7 Q. And one of your roles, I believe you
8 testified, as [inaudible] the public way
9 permitting office?

10 A. Yes, that is my role at the City of
11 Chicago.

12 Q. So it's squarely your responsibility to
13 determine, for example, if an application is
14 duplicative?

15 A. That's among my responsibilities. But,
16 yes.

17 Q. And do you have exclusive authority to
18 make that determination?

19 A. In terms of whether or not an
20 application is duplicative?

21 Q. Yes.

22 A. I believe others at CDOT can do that as
23 well. My boss or even the commissioner can make
24 that determination as well.

1 Q. But you don't consult with the CPD
2 [inaudible] duplicative for example; is that
3 right?

4 MR. SPAHR: Objection. As to relevance.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: I allow
6 it. Go ahead. Answer the question.

7 THE WITNESS: For this particular
8 application, no, this was -- I did not consult
9 with CPD.

10

11 BY MR. MASSOGLIA:

12 Q. Okay. So do you see it listed three
13 bases for the denial in the letter, three
14 statutory bases?

15 A. Yes. Those are excerpts from the city
16 code.

17 Q. Okay. And so the first one, this is
18 Section 330(d)(1). It begins: No person or
19 organization may submit more than one application
20 for the same parade date; is that right? That's
21 partial, I'm not saying that's the entire
22 ordinance.

23 A. Yeah, that is in the first line, yes.

24 Q. [Inaudible] we agreed that that's not

1 what happened here. It was not the same parade
2 date and route, correct?

3 A. It was the same route and although it
4 was a different date, that is not allowed by the
5 code.

6 Q. Okay. And so, yeah, we agree it was a
7 different date. And then the next portion of
8 that first subsection of the ordinance it says:
9 Or for a parade route that's substantially
10 similar [inaudible] described but different day
11 or route, right?

12 A. Yes. That is part of the code.

13 Q. And would you agree that each of these
14 three subsections listed in the letter all relate
15 to the general question of whether or not an
16 application is duplicative?

17 MR. SPAHR: Objection. Calls for a legal
18 conclusion.

19 ADMINISTRATIVE LAW JUDGE LOMBARDO: No, I
20 don't think it does. Just his opinion on what it
21 says.

22 THE WITNESS: Yeah, it's the City code and
23 I'm not an attorney, so I'm -- I just have to go
24 by the code, which states that we can't accept

1 applications that are substantially similar but
2 on different dates.

3

4 BY MR. MASSOGLIA:

5 Q. And I guess what I'm getting at is that
6 in assessing that in your role as managing the
7 public way permit office, you consider each of
8 these portions of the city code; is that right?

9 A. Correct. If -- this is the portion of
10 the city code that governs these types of
11 applications.

12 Q. And so the second basis for denial,
13 this is Subsection (d) (3), you -- the language is
14 very similar. Take your time and read this if
15 you'd like to in terms of what it prohibits. But
16 they do different things; is that fair?

17 MR. SPAHR: Objection as to vagueness.

18 ADMINISTRATIVE LAW JUDGE LOMBARDO:

19 Sustained. Can you restate it?

20

21 BY MR. MASSOGLIA:

22 Q. Do they serve different legal purposes,
23 they're independent bases for denial; is that
24 correct?

1 A. Again, not being an attorney, I don't
2 know. I guess I'm not understanding the
3 question.

4 Q. Well, you cited both of them, correct?

5 A. Correct. These are both part of the
6 code section that addresses these type of
7 applications and whether or not they're
8 duplicative.

9 Q. And they're both reasons for the
10 denial; is that right?

11 A. They are both part of the code that fed
12 into the denial, yes.

13 Q. Okay. And I mean, I believe your
14 letter states in the first paragraph, it's denied
15 for the following reasons and the lists the
16 subsections; do you see that?

17 A. Yes.

18 Q. Okay. And so Section (1) says, would
19 you agree, you can't submit duplicate
20 applications. Is that a fair summary?

21 MR. SPAHR: Objection. Misstates the law.

22 MR. MASSOGLIA: Let the record reflect that
23 [inaudible].

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: Restate

1 the question.

2

3 BY MR. MASSOGLIA:

4 Q. Is it fair to say that the first
5 Section, (d) (1), states that no person or
6 organization may submit more than one application
7 for the same parade date and route?

8 MR. SPAHR: Objection. Asked and answered.

9 ADMINISTRATIVE LAW JUDGE LOMBARDO:

10 Sustained. I think he acknowledged that already.

11

12 BY MR. MASSOGLIA:

13 Q. So it's -- are Section 1 and 3
14 different?

15 MR. SPAHR: Objection. Calls for a legal
16 conclusion.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: I think
18 it calls for his opinion. He can give it.

19 THE WITNESS: I don't know what you mean by
20 different. Obviously, they are different
21 sections of the code.

22

23 BY MR. MASSOGLIA:

24 Q. And they have different language,

1 correct?

2 A. They are worded differently. But
3 again, I'm not a legal expert, so I'm not sure
4 what you mean by the difference.

5 Q. In your opinion as the -- as the person
6 responsible -- primarily responsible for
7 approving or denying permits, do you consider the
8 last sentence of the second section that we're
9 talking about, which states the persons or
10 organizations shall not be eligible for such a
11 permit and shall be in violation of the
12 ordinance?

13 A. Do I consider in what sense?

14 Q. In making your decision?

15 A. Well, that's part of the code that I
16 have to follow as a city employee, so if -- to
17 me, and again I'm not a legal expert, that's
18 saying that if I had received a duplicate
19 application, it's supposed to be denied.

20 Q. Okay. And then the last portion,
21 Section (d) (4), why did you include that as basis
22 for one of the reasons for your denial?

23 A. That's just part of the information
24 that was included in the denial so that it was

1 clear that I was following the code. And the
2 code -- and this section says the commissioner is
3 authorized to disregard any such multiple
4 applications so.

5 Q. And [inaudible]?

6 A. It was just for clarification.

7 Q. And it also states and to deny -- the
8 commissioner is authorized to deny a permit on
9 the basis of a violation of the subsection?

10 A. Correct.

11 Q. Okay. So what does the phrase
12 "substantially similar" mean in Section (1) and
13 (3), in your opinion as the person responsible
14 for approving and denying parade permits?

15 MR. SPAHR: Objection. Calls for a legal
16 conclusion.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: No.
18 I'll allow it. You're asking what his reason was
19 for the denial. And he's the one that interprets
20 it and makes the decision. Go ahead and answer,
21 sir.

22 THE WITNESS: My understanding that if an
23 application is duplicative, that we are to deny
24 it. If you're asking how it's duplicative, it's

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1 in the code that if the same organization using a
2 similar route or submitted by the same person or
3 organization is simply changing the date, that it
4 is considered a similar application and it's
5 duplicative.

6

7 BY MR. MASSOGLIA:

8 Q. And when it says -- part of the basis
9 for your denial is that it was substantially
10 similar in theme or units?

11 A. That is part of the code, yes.

12 Q. And that was part of the basis to the
13 denial --

14 A. Well, I'm basing my denial on the code
15 so, yes.

16 Q. Okay. And so what does "in theme or
17 units" mean?

18 A. So we receive all kinds of parade
19 applications. Whether it's a protest march,
20 whether it's for a holiday celebration like
21 St. Patrick's Day or Thanksgiving. So some
22 parades have a specific theme, as can protests
23 have a specific theme.

24 But if the application is a similar route

1 by the same organization, but simply changing the
2 date, and in this particular case, both of them
3 said they were expecting 1,000 plus attendees as
4 well as using the same route. So that's how it
5 was deemed to be duplicative.

6 Q. And did you give any consideration to
7 the fact that the name was different when
8 assessing whether the theme was the same?

9 A. I did see that the name was different,
10 but the only difference that I see in the name is
11 that they added the new date that they were
12 requesting onto the name.

13 Q. And did you reach out to the applicant
14 to assess whether they actually had a different
15 theme?

16 A. For this second application?

17 Q. Yes.

18 A. No. I did not.

19 Q. Okay. And so what makes a theme the
20 same in your professional opinion?

21 A. That would be basically in this
22 particular case they were both protesting outside
23 the DNC location, same number of locations, same
24 route, same -- basically everything in the

1 application was the same except for they added
2 the date to the end of the name and they asked
3 for a different date.

4 Q. Now, would you agree with me that
5 protests on different dates might have different
6 purposes?

7 MR. SPAHR: Objection. Outside the scope
8 and calls for speculation.

9 ADMINISTRATIVE LAW JUDGE LOMBARDO:
10 Sustained.

11

12 BY MR. MASSOGLIA:

13 Q. In another part of the statute says in
14 theme or units. What does units mean?

15 A. So that's a term that we use at the
16 city to describe like marching units or -- so
17 like if you have parade that might have marching
18 bands, it might have floats or something like
19 that, each one of those would be considered a
20 unit.

21 Q. And am I correct -- will you take my
22 word for it, that the ordinance defines parade
23 unit or unit means one vehicle, one club, or one
24 marching group?

1 A. I don't have that section of the code
2 in front of me but that sounds similar to how we
3 would determine it if we were assessing an
4 application.

5 Q. Okay.

6 MR. MASSOGLIA: So at this point, I'd like
7 go over what was marked as Petitioner's
8 Exhibit 1. It's the municipal code parade
9 ordinance, which you have a copy of it. In fact,
10 I can show Counsel [inaudible].

11 ADMINISTRATIVE LAW JUDGE LOMBARDO: We can
12 take judicial notice of the ordinance. What
13 particular section are you referring to?

14 MR. MASSOGLIA: We're looking at
15 definitions, parade unit or unit. It's on the
16 first page [inaudible].

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

18

19 BY MR. MASSOGLIA:

20 Q. Do you see that there is --

21 A. Yes, I see where it's defined parade
22 unit or unit means one vehicle, one float, or one
23 marching group.

24 Q. And what -- what is a marching group?

1 A. It can be -- like I said it could be a
2 marching band or as it's defined here, I mean, it
3 can be an organization that's marching together.

4 Q. And so am I correct in understanding
5 this comes up a lot more for maybe a parade that
6 is going to be a lot of different floats and each
7 one of those is a unit?

8 A. Yeah, each float -- sorry.

9 MR. SPAHR: Objection. Speculation.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: No,
11 I'll allow it. Go ahead.

12 THE WITNESS: So yeah, if we were
13 evaluating a parade that had floats we would
14 consider each float a unit.

15

16 BY MR. MASSOGLIA:

17 Q. And do you consider each person a unit?

18 A. I'm not aware of a situation like that.
19 The group would be a unit. So like if you were
20 marching as a group of -- like a group of
21 plumbers marching in the St. Patrick's Day parade
22 or something like that.

23 Q. Okay. And so if there was one
24 application that there were going to be two

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1 separate, you know, groups of workers or whoever
2 it might be marching, each one of one of those
3 would be a separate unit; is that right?

4 MR. SPAHR: Objection. Improper
5 hypothetical.

6 ADMINISTRATIVE LAW JUDGE LOMBARDO: Where
7 are you going with this, Counsel?

8 MR. MASSOGLIA: I'm just trying to
9 understand what the ordinance means because I'm
10 very confused by it. And I believe we need to
11 establish why -- how he is interpreting it in
12 order to establish whether this was, in fact,
13 duplicative.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: I don't
15 think his testimony concerned anything about
16 units.

17 MR. MASSOGLIA: Pardon?

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: I don't
19 believe his testimony concerned anything about
20 the number of units.

21 MR. MASSOGLIA: Yeah, but that is listed as
22 a basis for the denial in City's Exhibit 2.

23 ADMINISTRATIVE LAW JUDGE LOMBARDO: It's
24 listed in the section that lists the basis for

1 the denial. He doesn't have to use all those
2 bases. He's defined which basis he used, right?
3 So I think you're going beyond the direct.
4 Sustained.

5

6 BY MR. MASSOGLIA:

7 Q. Is it a necessary prerequisite for an
8 application by the same organization that has an
9 alternate date or route that the denial that it
10 actually be based on because it's substantially
11 similar?

12 MR. SPAHR: Objection. Compound --

13 ADMINISTRATIVE LAW JUDGE LOMBARDO: Yeah, I
14 didn't get that.

15

16 BY MR. MASSOGLIA:

17 Q. Do you have to decide if something is
18 substantially similar before you deny it as
19 duplicative?

20 A. Well, if it -- I guess I don't
21 understand the question. I mean, if something is
22 similar it would be duplicative. I mean --

23 Q. Yeah. And that's -- that's what I'm
24 trying to tease out. Because I'm confused by the

1 statute. So we talked a little bit about
2 marching groups. And so how did in this case did
3 you ascertain the number of marching groups from
4 the application?

5 MR. SPAHR: Objection. Relevance.

6 ADMINISTRATIVE LAW JUDGE LOMBARDO: I think
7 it's relevant, but I don't think it's part of
8 what he directly testified --

9 MR. SPAHR: Beyond the scope.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: -- to
11 so sustained.

12 MR. MASSOGLIA: The City incorporated this
13 language that denies the application based on the
14 theme and the units. That's why it was denied.
15 So I think it's [inaudible] that the City that
16 [inaudible] exhibit.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: Motion
18 was sustained.

19

20 BY MR. MASSOGLIA:

21 Q. In general, but having the same amount
22 of people or the same topic makes something
23 substantially similar?

24 A. If two different groups applied for

1 something similar, I guess, that would not be
2 duplicative. But if the same group was applying
3 for the same activity in the same location, then
4 that could possibly be duplicative.

5 Q. Okay. And here that's what you
6 determined, it's the same organization, same
7 people, same route?

8 A. Based on the applications that were
9 submitted, yes, it was the same route, same
10 applicant. The only thing different was a
11 different date.

12 Q. And you can deny it based on a
13 different -- the same parade date or the same
14 parade route, it doesn't have to be both of those
15 in order to deny as duplicative?

16 A. So in the code, yes, if everything --
17 if the same organization applies for the same
18 route for the same activity in the same location,
19 but only changes the date, that would be deemed
20 duplicative by the ordinance. So that's --
21 that's what I have to go by, is what's in the
22 ordinance.

23 Q. And what if there were two applications
24 with the same theme but different dates and

1 different routes. Can you deny that?

2 MR. SPAHR: Objection. Improper
3 hypothetical, relevance.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO:
5 Sustained.

6

7 BY MR. MASSOGLIA:

8 Q. What about two applications on the same
9 date but different themes or units?

10 MR. SPAHR: Objection.

11 ADMINISTRATIVE LAW JUDGE LOMBARDO:
12 Sustained.

13 MR. MASSOGLIA: I've got a lot more
14 questions about this so I guess I will -- do you
15 want me to read them in to make a record and then
16 have them sustained --

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: If you
18 want to make a record you have to read them.

19 MR. MASSOGLIA: Yeah.

20

21 BY MR. MASSOGLIA:

22 Q. What about two applications with
23 different routes but the same theme on different
24 dates with different [inaudible]?

1 MR. SPAHR: Objection.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO:

3 Sustained.

4 MR. MASSOGLIA: I'll stipulate to a
5 standing objection to all these questions.

6 ADMINISTRATIVE LAW JUDGE LOMBARDO:

7 [Inaudible].

8

9 BY MR. MASSOGLIA:

10 Q. What about the same route, same theme,
11 but different units on different dates?

12 Objection sustained. What about -- I guess what
13 I'm getting at is [inaudible] is a little
14 confusing.

15 MR. SPAHR: Objection.

16 ADMINISTRATIVE LAW JUDGE LOMBARDO:

17 Sustained.

18 MR. MASSOGLIA: What's the basis for the
19 objection?

20 MR. SPAHR: Calling for a legal conclusion,
21 improper opinion of the witness, outside the
22 scope of testimony.

23 ADMINISTRATIVE LAW JUDGE LOMBARDO: It was
24 sustained, Counsel.

1 MR. MASSOGLIA: Thank you, Judge.

2

3 BY MR. MASSOGLIA:

4 Q. And a person can be fined for violating
5 the statute?

6 A. It's based on the code, so any fines
7 that are included in the code could be levied.

8 Q. And they could also be imprisoned for
9 violating the statute, right?

10 A. Again, that's based on the code.

11 That's not something that I would personally do.

12 Q. So if you wouldn't mind turning to
13 Section (s) in the exhibit that you have in front
14 of you [inaudible].

15 MR. SPAHR: Objection. Beyond the scope of
16 the direct.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO:

18 Sustained.

19 MR. MASSOGLIA: So at this point, I guess,
20 I would renew my motion for subpoenas because
21 there's no way for us to make a constitutional
22 record without establishing the ordinance is
23 [inaudible].

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: If the

1 ordinance what?

2 MR. MASSOGLIA: Is [inaudible], which is a
3 critical inquiry in First Amendment analysis. If
4 an ordinance provides for imprisonment or fines,
5 which this does, there are different standards,
6 more exacting standards applied to its contents.

7 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.

8 MR. MASSOGLIA: And so the idea is that
9 this section is [inaudible] the ordinance as
10 applied here as an improper time, place, and
11 manner of restrictions [inaudible] nature of the
12 statute as a whole is [inaudible].

13 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.
14 And your request for subpoenas for who?

15 MR. MASSOGLIA: At minimum, Chicago's
16 representative of the Chicago Police Department
17 and in prior [inaudible] I'm aware that the City
18 has brought a representative of the Secret
19 Service. I don't know that [inaudible]
20 individual would be necessary [inaudible] their
21 case.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,
23 and why is that testimony of those individuals
24 relevant?

1 MR. MASSOGLIA: Well, because it would
2 elicit information about the conversations that
3 occur between the Chicago Police Department and
4 the Chicago Department of Transportation, the
5 decision making process and who bears
6 responsibility.

7 And Mr. Gallardo said it's not something he
8 would personally do. But I'm not clear on who
9 can do that.

10 ADMINISTRATIVE LAW JUDGE LOMBARD: But
11 that didn't occur in this case.

12 MR. MASSOGLIA: It didn't, but I --

13 ADMINISTRATIVE LAW JUDGE LOMBARD: So your
14 motion for subpoena is denied.

15 MR. MASSOGLIA: I will represent to the
16 Court that that issue of fines was raised by
17 Counsel for the City. [Inaudible] implicitly
18 yesterday on the telephone --

19 ADMINISTRATIVE LAW JUDGE LOMBARD: It
20 wasn't part of this record.

21 MR. MASSOGLIA: Okay.

22 ADMINISTRATIVE LAW JUDGE LOMBARD:
23 Subpoena denied.

24 MR. MASSOGLIA: So remind me what I'm

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1 allowed to ask about the punitive nature of this.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well, I
3 mean, you can ask your questions and see if
4 there's an objection.

5 MR. MASSOGLIA: Okay.

6 ADMINISTRATIVE LAW JUDGE LOMBARDO: Do you
7 want -- are you going to present a witness?
8 Maybe this witness isn't the right vehicle for
9 what you're trying to do.

10 MR. MASSOGLIA: I think that's right. And
11 I think given the motion yesterday and it was
12 outlined in the motion for continuance
13 [inaudible] motion for continuance to allow us to
14 address this limited scope change and legal
15 strategy that was forced upon us at the last
16 minute.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: Denied.

18 All right. Anything else for this witness?

19 MR. MASSOGLIA: Oh, yeah.

20 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

21

22 BY MR. MASSOGLIA:

23 Q. So [inaudible] question about
24 Subsection (d) -- or Subsection (s). Could you

1 turn to that section [inaudible]?

2 MR. SPAHR: Objection.

3 ADMINISTRATIVE LAW JUDGE LOMBARDO:

4 Sustained, Counsel. This wasn't part of the
5 decision.

6 MR. MASSOGLIA: I believe it is, Your
7 Honor --

8 ADMINISTRATIVE LAW JUDGE LOMBARDO: The
9 three sections that were part of the decision are
10 cited, that you already acknowledged.

11 MR. MASSOGLIA: Yeah. And in Section (3)
12 it states that this is a violation of the
13 subsection. Section (s) determines what the
14 penalties are for a violation. I think it's
15 within the scope.

16 ADMINISTRATIVE LAW JUDGE LOMBARDO: But the
17 penalties have already been determined, so why do
18 we need to get into what possible penalties could
19 have been imposed?

20 MR. MASSOGLIA: I'd like to make the most
21 [inaudible] record that I possibly can as my
22 clients consider their options [inaudible]
23 determination of this proceeding.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: I mean,

1 I've got0 no problem giving you a little leeway
2 here, but I think I've done that quite a bit
3 already.

4 MR. MASSOGLIA: Yeah --

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Why
6 don't you go ahead and sum up your constitutional
7 argument and make your record and then we'll move
8 on.

9 MR. MASSOGLIA: Sure. So I've already done
10 it and I think we'll get to that a little bit
11 more later as to [inaudible]. But the principal
12 point is that it's very unclear what makes
13 something substantially similar. The ordinance
14 in that way is vague and criminal penalties
15 accrue to someone who violates by submitting an
16 duplicative application.

17 I'm not clear on who makes this decision.
18 I was informed yesterday by the City [inaudible]
19 to my client. They did not say that they would
20 issue fines, but I was sent [inaudible] any fine
21 for this.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.

23 MR. MASSOGLIA: And so to me it's a
24 critical point that I get -- this is so much

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1 about whether the First Amendment is going to be
2 respected at the Democratic National Convention,
3 which I think everybody agrees it ought to be.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.

5 MR. MASSOGLIA: And this ordinance does not
6 operate [inaudible].

7 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

8 You've made your record. Anything else for this
9 witness?

10 MR. MASSOGLIA: Yeah.

11

12 BY MR. MASSOGLIA:

13 Q. I have more questions about how many
14 parade applications you get each year and what
15 you do when you [inaudible].

16 MR. SPAHR: Objection. Relevance.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll
18 let him answer that one.

19 THE WITNESS: I don't have the specific
20 count in front of me, but I'm -- probably a few
21 hundred, maybe even a couple thousand in a given
22 year. It depends. I don't have that information
23 in front of me.

24

1 BY MR. MASSOGLIA:

2 Q. You said a few hundred?

3 A. At least. Probably -- I mean, there's
4 a lot of different activities that fall into the
5 category of a parade. It could be protest
6 marches, it could be wedding processions, it
7 could be -- like I said, Thanksgiving Parade,
8 St. Patrick's Day Parade. So I don't have the
9 count in front of me of what we received last
10 year.

11 Q. And how many of those are denied in a
12 given year?

13 MR. SPAHR: Objection. Relevance.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: Where
15 are you going with that, Counsel?

16 MR. MASSOGLIA: I'd like to know how many
17 are denied as duplicative and see if the
18 ordinance was discriminatorily applied here.

19 ADMINISTRATIVE LAW JUDGE LOMBARDO:

20 [Inaudible].

21 THE WITNESS: I don't have that number in
22 front of me.

23 MR. SPAHR: Objection. Foundation.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO:

1 Anything else?

2 MR. MASSOGLIA: I may. I mean, I've got
3 six more pages, but I will do my best pare it
4 down.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,
6 let's just --

7 MR. MASSOGLIA: In fact --

8 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,
9 for the record, just say that you can submit your
10 questions and that he have a standing objection
11 and a standing sustained on your questions.

12 How's that?

13 MR. MASSOGLIA: That is very gracious, Your
14 Honor. I appreciate it. I will -- I need to
15 take just a moment to review those pages and see
16 if there's anything else.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: Sure,
18 go ahead.

19 MR. MASSOGLIA: So do you care that we're
20 not getting into traffic data in any way?

21 ADMINISTRATIVE LAW JUDGE LOMBARDO: I think
22 there's a standing objection as far as beyond the
23 scope of the direct examination and those types
24 of questions. And a sustaining is a standing

1 ruling.

2 MR. MASSOGLIA: And a similar ruling on a
3 discussion of traffic impacts, large parades,
4 things like that?

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Yes.

6 MR. MASSOGLIA: Okay.

7

8 BY MR. MASSOGLIA:

9 Q. Is it your role within the Chicago
10 Department of Transportation to consult with
11 other agencies when you receive a parade permit
12 application?

13 A. Do I answer that question?

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: I think
15 he's already testified to that.

16 MR. SPAHR: Yeah. Objection. Relevance.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: Asked
18 and answered I believe would be the --

19 MR. SPAHR: Asked and answered.

20

21 BY MR. MASSOGLIA:

22 Q. And I believe you testified you didn't
23 do that in this case, right?

24 MR. SPAHR: Objection. Outside the scope.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: I think
2 he already testified to that as well.

3

4 BY MR. MASSOGLIA:

5 Q. So you did not consult with other
6 organizations before determining this was
7 duplicative. But did you for the first
8 application?

9 MR. SPAHR: Objection.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO:

11 Sustained.

12 MR. MASSOGLIA: So I'd just like to look
13 one more moment. I might have about two or three
14 more questions.

15 ADMINISTRATIVE LAW JUDGE LOMBARDO: All
16 right.

17 MR. MASSOGLIA: [Inaudible].

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: Sure.

19

20 BY MR. MASSOGLIA:

21 Q. I'm going to turn your attention to
22 Subsection (g) of the ordinance. So that's
23 procedures when receiving an application.

24 Do you see the leading line in that? It

1 says: After the investigation, the
2 commissioner -- well, let me ask you a question.
3 When you receive an application that may be
4 duplicative, do you ever consult with other city
5 agencies to investigate the factor outlined in
6 (g) ?

7 MR. SPAHR: Objection. Relevance. And
8 vagueness.

9 MR. MASSOGLIA: If he's got to say whether
10 or not it's similar or not I need to know what
11 he's doing to determine that, Your Honor.

12 ADMINISTRATIVE LAW JUDGE LOMBARDO: I think
13 it's relevant. But I think it's already
14 answered. I mean -- repeat the question.

15

16 BY MR. MASSOGLIA:

17 Q. When you get an application you believe
18 may be duplicative, do you ever consult with
19 other city agencies to decide is that
20 duplicative?

21 MR. SPAHR: Objection. Asked and answered.
22 The witness has already testified as to how he
23 considers the applications.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: I mean,

1 we're focused on this particular application.

2 MR. MASSOGLIA: Uh-huh.

3 ADMINISTRATIVE LAW JUDGE LOMBARDO: And
4 you're asking what he does in a similar
5 situation, right?

6 MR. MASSOGLIA: [Inaudible] to the
7 testimony that he denied this application.

8 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,
9 keep your cross based on his direct, right. And
10 I think he already testified that he didn't in
11 this particular case. So where are you going
12 with what he may have done with something else?

13 MR. MASSOGLIA: [Inaudible] violation of
14 the statute based on a [inaudible] consult.

15 ADMINISTRATIVE LAW JUDGE LOMBARDO: And you
16 believe there's some requirement or duty to
17 consult with other --

18 MR. MASSOGLIA: I do.

19 ADMINISTRATIVE LAW JUDGE LOMBARDO: Answer
20 the question.

21 THE WITNESS: I can't think of a specific
22 instance where this has occurred before. At
23 least, not in this specific situation. But
24 again, we receive lots of applications, even for

1 parades. So I can't be certain that I didn't
2 share that information with other departments.

3 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

4

5 BY MR. MASSOGLIA:

6 Q. And just to be clear, I'm referring to
7 Subsection (f), which states, "The commissioner
8 shall investigate the facts set out in the
9 application, in consultation with the police
10 department." Do you see that?

11 MR. SPAHR: Objection. Beyond the scope.

12 ADMINISTRATIVE LAW JUDGE LOMBARDO:

13 Sustained.

14 MR. SPAHR: And vagueness.

15 MR. MASSOGLIA: I don't believe I have
16 anything else --

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: All
18 right. Thank you, Counsel. Anything else for
19 this witness?

20 MR. MASSOGLIA: We intend to recall based
21 on testimony presented in an affidavit to the
22 Court. It's a 2023 correspondence -- it'll be
23 presented based on correspondence between the
24 Chicago Department of Transportation and our --

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

2 Well, you want to recall this witness you're
3 saying?

4 MR. MASSOGLIA: Yeah, after --

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,
6 let's see if he's -- are you going to redirect?

7 MR. SPAHR: We have no redirect.

8 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

9 Sir, you're excused for now, but don't leave
10 because you may be recalled as a witness, okay?
11 So stay available.

12 THE WITNESS: Do I stay in the room or
13 should I step outside?

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: No, you
15 can -- go outside.

16 THE WITNESS: Okay.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: Any
18 other witnesses, City?

19 MR. SPAHR: The City has no further
20 witnesses.

21 ADMINISTRATIVE LAW JUDGE LOMBARDO: City
22 rests?

23 MR. SPAHR: Yes.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: All

1 right. Counsel, do you intend on putting on
2 witnesses in your case?

3 MR. MASSOGLIA: Yes. I'll go get our first
4 witness.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.
6 Yeah, just kind of scoot up a little bit so you
7 can direct your voice to that microphone. You
8 don't have to yell, but kind of keep your voice
9 elevated and speak slowly and clearly for me,
10 please. What is your name?

11 MR. GUILLORY: Kobi Guillory, K-O-B-I,
12 G-U-I-L-L-O-R-Y.

13 ADMINISTRATIVE LAW JUDGE LOMBARDO: Raise
14 your hand, please. Do you swear or affirm
15 testimony you're about to give will be the truth,
16 the whole truth, and nothing but the truth?

17 MR. GUILLORY: Yes, I swear.

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: All
19 right. Counsel, you can proceed.

20

21 DIRECT EXAMINATION

22 BY MR. MASSOGLIA:

23 Q. So can you just restate your name for
24 the record?

1 A. Yeah. Kobi Guillory, K-O-B-I,
2 G-U-I-L-L-O-R-Y.

3 Q. Kobi, are you a member of the Chicago
4 Alliance Against Racist & Political Repression?

5 A. Yes. I'm one of the co-chairs.

6 Q. And that also -- and that group also
7 sometimes goes by the shorthand of Chicago
8 Alliance; is that correct?

9 A. Yes.

10 Q. What is the Chicago Alliance?

11 A. It's an organization that was formed in
12 1973 out of the Campaigns to Free Angela Davis
13 and All Political Prisoners. Since then we've
14 been fighting for community control of the police
15 and freedom for political prisoners, [inaudible],
16 and people are otherwise wrongfully convicted.

17 Q. Okay. And are you also involved with
18 the Coalition to March on the DNC?

19 A. Yes. I'm officially the spokesperson.

20 Q. What is the Coalition to March on the
21 DNC?

22 A. It's a coalition of organizations like
23 the Chicago Alliance to fight for social justice,
24 against police crimes, against wars and genocide

1 in other countries, as well as rights for
2 immigrants, rights -- reproductive rights, LGBTQ
3 rights, workers rights, so on and so forth.

4 Q. And how did the Coalition come into
5 existence?

6 A. When we heard that the DNC was coming
7 to Chicago, which was about April last year,
8 that's when we formed the Coalition. We started
9 having press conferences around that time. And
10 we've been gathering more organizations into the
11 Coalition since then.

12 Q. Okay. So now I'm going to ask some
13 questions about the permit applications that you
14 submitted. As part of your involvement with
15 Chicago Alliance and the Coalition, have you been
16 involved in preparing and submitting parade
17 permits?

18 A. Yes.

19 Q. Did you submit the -- a parade permit
20 for a protest march on August 19, 2024?

21 A. Yes, I did.

22 Q. And was another such parade permit
23 submitted for a protest on August 22, 2024?

24 A. Yes, it was.

1 Q. Okay. So we're going to go through
2 these permits, one by one. So I'm going start by
3 talking about your first permit application for
4 the August 19th application.

5 A. Uh-huh.

6 Q. So I'm going to be giving you what has
7 been marked as City's Exhibit 1, or
8 alternatively -- it would be --

9 ADMINISTRATIVE LAW JUDGE LOMBARDO: You can
10 use it as City's 1. That's fine.

11 MR. MASSOGLIA: Okay. City, would you
12 provide a copy for him, too?

13 ADMINISTRATIVE LAW JUDGE LOMBARDO: You
14 don't have the City's exhibits.

15 MR. SPAHR: We tendered them to Counsel
16 last night.

17 MR. DIONNE: They were part of our
18 [inaudible].

19 ADMINISTRATIVE LAW JUDGE LOMBARDO: Do you
20 have extra copies 1, 2 --

21 MR. SPAHR: Yeah.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: Did you
23 get 4 already?

24 MR. DIONNE: Yeah, they have 4 already.

1 I'll give them --

2 ADMINISTRATIVE LAW JUDGE LOMBARDO: 1, 2,
3 and 3.

4 MR. DIONNE: 1, 2, and 3.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: All
6 right. Thank you.

7

8 BY MR. MASSOGLIA:

9 Q. So I'm presenting you a copy of what's
10 marked City's Exhibit 1. Do you recognize this
11 document?

12 A. Yes.

13 Q. What is that?

14 A. It's the parade application for the
15 19th.

16 Q. Okay. And does this application list
17 the location of the assembly area as Union Park?

18 A. Yes.

19 Q. Is that also the listed location for
20 the disbanding area?

21 A. Yes.

22 Q. What was the proposed route as listed
23 on this application?

24 A. So we're going to march down -- from

1 Union Park down Ashland. From Ashland, we're
2 going to turn onto Adams. From there we're going
3 to walk on Damen until we get to Washington.
4 Then we're going into the Park 578, which is
5 within sight and sound of the United Center where
6 the DNC is going to be.

7 And we're going to have a second program
8 over there that we're going to march -- we're
9 going to exit Park 578 and march back to Union
10 Park and then disburse around 4:30 p.m.

11 Q. Why did you apply for a parade permit
12 on August 19th along this route?

13 A. So on August 19th, that's going to be
14 the starting day of the DNC. We -- we're
15 planning to march just to be heard to raise up
16 our set of demands, which are an end to the USA
17 for Israel, community control over the police,
18 rights for immigrants, rights for LGBTQ people,
19 and reproductive rights, workers' rights to
20 organize and strike, and money for health care,
21 housing, education, jobs, the environment and not
22 for war, and finding the peace, justice, and
23 equality.

24 The reason we're applying for a permit is

1 because a lot of people are [inaudible]
2 experience, being attacked by the police,
3 especially at high-profile events like this --

4 MR. SPAHR: Objection. Narrative.

5 MR. MASSOGLIA: I can just --

6 ADMINISTRATIVE LAW JUDGE LOMBARDO: Yeah.

7 Why don't you ask questions and solicit answers?

8 Sustained.

9 MR. MASSOGLIA: Okay. Sorry, Judge.

10

11 BY MR. MASSOGLIA:

12 Q. So I think you said that this -- part
13 of reason you chose this route, would it take you
14 within sight and sound of the delegates gathering
15 at the Democratic National Convention?

16 A. Yes. That's what I'm saying.

17 Q. And how do you know that?

18 A. Because we've looked at the Park 578.

19 We know that you can see the United Center from
20 there, so we can be seen from there. We know how
21 loud we can get when we're protesting, so we know
22 we can be heard from there as well.

23 Q. And would this route also take you
24 within the sights and sound of the media covering

1 the gathering of the delegates downtown?

2 A. Yes.

3 Q. Is your goal and the goal of the
4 coalition for the convention delegates and the
5 media to hear and see your demonstration?

6 A. Yes, it is.

7 Q. And is it your goal and the goal of the
8 Coalition for passerbys and the people of
9 Chicago, generally, to hear and see your
10 demonstration on the 19th?

11 A. Yes. Everyone who's enjoying it they
12 can.

13 Q. Okay. So I'm going to ask you some
14 questions about your communication with CDOT.
15 After you submitted the application for the
16 August 19th march, did anyone from the City of
17 Chicago contact you regarding your application?

18 A. Yeah. I got a call from --

19 MR. SPAHR: Objection.

20 ADMINISTRATIVE LAW JUDGE LOMBARDO: What's
21 the basis?

22 MR. SPAHR: Hearsay, lack of foundation,
23 relevance.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll

1 allow it.

2

3 BY MR. MASSOGLIA:

4 Q. Do you want me to ask the question
5 again?

6 A. Okay.

7 Q. Did anyone from the City of Chicago
8 contact you regarding your application?

9 A. Yeah, I got a call from the Susan
10 Pollack [phonetic] around January 16th.

11 Q. Okay. And what did -- and Susan
12 Pollack is with the Chicago Department of
13 Transportation to your knowledge?

14 A. Yes.

15 Q. What did she say to you in that phone
16 call?

17 A. So the first thing she asked me was if
18 I had gotten a call from the CPD, from the
19 Chicago Police Department. I told that I hadn't
20 gotten that call. She said that they're asking
21 us to revise the parade route because of --
22 because of -- so that emergency vehicles could
23 have access to the area.

24 I asked her to put that in writing or send

1 me an e-mail, which she did on that same day.

2 Q. So she put -- so she submitted an
3 e-mail substantially saying the same thing --

4 A. Uh-huh.

5 Q. That there was a concern --

6 MR. SPAHR: Objection. Leading.

7 ADMINISTRATIVE LAW JUDGE LOMBARDO: His
8 testimony stands.

9

10 BY MR. MASSOGLIA:

11 Q. Did you respond to her e-mail?

12 A. Yeah. I responded a couple days later
13 just after consulting with some people in the
14 Coalition. I said that we can limit the march to
15 two lanes of Ashland so that emergency vehicles
16 can get in and out.

17 Q. Did she respond to your e-mail
18 asking -- sorry. To clarify, did -- in your
19 e-mail, did you -- sorry, strike that.

20 Did she ever respond to your e-mail about
21 the proposed [inaudible] to only march along one
22 side of Ashland?

23 A. No, she didn't.

24 Q. Other than the issue with marching and

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1 asking whether or not CPD had contacted you, did
2 she ask any other questions?

3 A. Not that I remember.

4 Q. I'm handing you a piece of paper. Do
5 you recognize this piece of paper?

6 A. Yes. This is the e-mail that I sent --
7 or the e-mail that she sent to me on the 16th and
8 then my response on the 18th of January.

9 Q. And is this a true and accurate copy of
10 those e-mails?

11 A. Yes.

12 Q. And was there any other e-mail
13 correspondence between you and Susan that's not
14 represented here?

15 A. No.

16 Q. Okay.

17 MR. MASSOGLIA: I'm marking this Alliance's
18 Exhibit 2. And we would offer this into evidence
19 just as evidence of that correspondence.

20 ADMINISTRATIVE LAW JUDGE LOMBARDO: Any
21 objection?

22 MR. SPAHR: One moment, Judge.

23 MR. MASSOGLIA: We can also [inaudible].

24 MR. SPAHR: No objection, Judge.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

2 Without objection, we'll call it Applicant's --

3 we'll call it 1. Applicant's 1 because the City

4 Exhibit 1 that you referred to as --

5 MR. MASSOGLIA: Well, did we submit a copy

6 of the ordinance or are we just taking judicial

7 notice to that?

8 ADMINISTRATIVE LAW JUDGE LOMBARDO: That

9 was judicial notice, right.

10 MR. MASSOGLIA: Okay.

11

12 (Whereby, Applicant's Exhibit

13 Number 1 having been admitted

14 into evidence.)

15

16 BY MR. MASSOGLIA:

17 Q. So can you just kind of read aloud what

18 you said in response to Ms. Pollack?

19 A. Yeah. So my response was: Good

20 morning, Ms. Pollack. When we marched from Union

21 Park before we only used two lanes of Ashland to

22 allow emergency vehicles to pass through. Would

23 there still be a problem with the group if we

24 only used half of Ashland?

1 Q. So did she respond to that e-mail?

2 A. No.

3 Q. And did she in any other way contact
4 you to let know whether or not your proposed
5 modification would be acceptable or satisfy their
6 concerns about the emergency vehicles?

7 A. No.

8 Q. So you didn't receive any other contact
9 from Susan Pollack or anyone else at CDOT on that
10 issue?

11 A. No.

12 Q. Okay. Did anyone from the Chicago
13 Police Department contact you about the first
14 parade application?

15 A. No.

16 Q. But Susan asked you if they had
17 contacted you?

18 A. Yeah. The way that she asked was -- it
19 wasn't an if they contacted you, she kind of
20 assumed that they had.

21 MR. SPAHR: Objection. Speculation.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO:

23 Sustained.

24

1 BY MR. MASSOGLIA:

2 Q. To your knowledge have other groups
3 organizing marches during the DNC been contacted
4 by the CPD?

5 MR. SPAHR: Objection. Relevance, Judge.

6 ADMINISTRATIVE LAW JUDGE LOMBARDO: What's
7 the relevance?

8 MR. MASSOGLIA: We're just establishing
9 sort of what happened in this time period. And
10 also kind of building our record that they were
11 treated differently than other groups applying --
12 for permits to march on the DNC in our opinion
13 because of their political viewpoint.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: But the
15 first application was not in question, right?

16 MR. MASSOGLIA: Based on Your Honor's
17 earlier rulings, it's not.

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: So it's
19 sustained.

20 MR. MASSOGLIA: Okay.

21

22 BY MR. MASSOGLIA:

23 Q. Okay. So let's move onto the
24 application for the August 22nd march. So this

1 is going to be -- handing the witness, City's
2 Exhibit 3. Mr. Guillory, I'm presenting you with
3 what's been marked as City's Exhibit 3. Do you
4 recognize this document?

5 A. Yes.

6 Q. And is this a true and correct copy of
7 the parade permit application you submitted to
8 the Department of Transportation on January 2024
9 for the Coalition to march on the DNC's August
10 22nd march?

11 A. Yes, it is.

12 Q. And what is the name of the parade as
13 listed on that application?

14 A. March on the DNC 2024 August 22, 2024.

15 Q. Okay. And when did you decide to --
16 when did you -- and by you I actually mean both
17 you and broadly the Coalition, decide to file an
18 application to march on that second date?

19 A. So we decided to march throughout that
20 week on November -- around 19. We have biweekly
21 meetings as a coalition. So --

22 Q. So what caused you to make that
23 decision?

24 A. Yeah, after -- before October, we had

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1 been working with the Coalition to march in the
2 [inaudible]. We thought that this march is going
3 to be the much smaller of the two.

4 But after the genocide that has been funded
5 with our tax dollars --

6 MR. SPAHR: Objection. Relevance, Judge.

7 THE WITNESS: I'm getting to it.

8 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,
9 keep your comments to the questions.

10 THE WITNESS: So after the event that have
11 been happening over the past [inaudible] in
12 Palestine, we decided to march on both the
13 opening and the closing of the Democratic
14 National Convention.

15 So we talked about applying for a permit
16 for both days in November of last year.

17

18 BY MR. MASSOGLIA:

19 Q. So you plan was to march on both days
20 as two separate protests?

21 A. Yes.

22 Q. When you submitted your application for
23 the August 22nd march, were you aware at that
24 time whether your application for the August 19th

1 march had been denied?

2 A. We were not.

3 Q. Okay. So it's -- your thinking at that
4 time was if they granted both of these
5 applications you would have marched on both days?

6 MR. SPAHR: Objection. Calls for
7 speculation, relevance.

8 MR. MASSOGLIA: It's just going to his
9 intent. We're trying to get at what their --

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: Restate
11 it.

12

13 BY MR. MASSOGLIA:

14 Q. So your plan was to march on both days?

15 A. Yes.

16 Q. Assuming that the permits -- if the
17 permits were granted?

18 A. Yes.

19 Q. Was the intended message that you were
20 going to convey the same for the August 19th and
21 the August 22 march --

22 MR. SPAHR: Objection. Leading.

23 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll
24 allow it. Go ahead.

1 THE WITNESS: We are kind of assuming,
2 based on the way that the Democratic Party has
3 responded to marches that have happened before,
4 that our demands wouldn't have been met between
5 the 19th and the 22nd. So we would be refreshing
6 those demands.

7 It would also just be a different -- it's
8 not the same day, right? This is after four days
9 of discussion in the DMC. So we'll have some
10 updates between the 19th and the 22nd. So this
11 was just going to be two different protests in
12 terms of content.

13 MR. MASSOGLIA: I'm handing the witness
14 what has been marked as -- oh, you took judicial
15 notice. Of the ordinance.

16 ADMINISTRATIVE LAW JUDGE LOMBARDO: That's
17 fine.

18 MR. MASSOGLIA: It's going to have every
19 [inaudible], if that's okay?

20
21 BY MR. MASSOGLIA:

22 Q. Kobi, can you read what's Section (s)
23 of the ordinance?

24 MR. SPAHR: Objection as to relevance.

1 MR. DIONNE: Objection.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO:

3 Sustained.

4

5 BY MR. MASSOGLIA:

6 Q. So are you aware, when you submitted --
7 were you aware when you submitted these
8 applications that you could be fined or face
9 criminal charges for filing duplicate
10 applications?

11 MR. SPAHR: Objection as to relevance,
12 Judge.

13 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll
14 allow him to answer that.

15 THE WITNESS: I wasn't aware at this time,
16 no.

17

18 BY MR. MASSOGLIA:

19 Q. Does the possibility of being
20 imprisoned make you nervous about filing these
21 types of permits in the future?

22 MR. SPAHR: Objection. Relevance.

23 MR. MASSOGLIA: Part of the constitutional
24 thing is whether or not the punitive nature of

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1 the statue would deter a person of ordinary
2 fortitude. So we're just [inaudible] evidence
3 [inaudible].

4 ADMINISTRATIVE LAW JUDGE LOMBARDO: I've
5 allowed you to make a record. I think it was
6 pretty clear with that point when he made his
7 record on the constitution issues. So let's move
8 on.

9 MR. MASSOGLIA: All right. I just have one
10 further question.

11 ADMINISTRATIVE LAW JUDGE LOMBARDO: Sure.

12 MR. MASSOGLIA: And then I understand
13 you'll sustain the objection, too, but just for
14 the record.

15

16 BY MR. MASSOGLIA:

17 Q. Does the possibility of fines make you
18 more nervous about filing these permits in the
19 future.

20 MR. SPAHR: Objection. Relevance.

21 ADMINISTRATIVE LAW JUDGE LOMBARDO:
22 Sustained.

23 MR. MASSOGLIA: If I could quickly confer
24 with my colleagues.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Sure.

2 MR. MASSOGLIA: [Inaudible].

3 ADMINISTRATIVE LAW JUDGE LOMBARDO: Sure.

4 That's fine.

5 MR. MASSOGLIA: Your Honor, we have a
6 question, a procedural question. We intend to
7 submit an affidavit on behalf of one witness who
8 couldn't be here because of work obligations.

9 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.

10 MR. MASSOGLIA: What's the procedure for
11 submitting?

12 ADMINISTRATIVE LAW JUDGE LOMBARDO: Have
13 you given Counsel a copy of that?

14 MR. SPAHR: Are we going to be able to
15 receive that today, though.

16 MR. MASSOGLIA: Yeah, I've got another one.
17 [Inaudible].

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: Just
19 give him a copy of it and let him take a look at
20 it.

21 MR. MASSOGLIA: Yeah. Here we go.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: Any
23 objection?

24 MR. SPAHR: Judge, we're objecting on --

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1 this is by the Illinois Code of Civil Procedure,
2 one, and we are governed by the Department of
3 Administrative Hearing code and regulations.

4 Furthermore, it's only signed by the
5 affiant. It's not notarized in any way as
6 required by administrative hearings code. And as
7 such, this is all completely hearsay that's not
8 supported and should not be permitted.

9 Further, we cannot cross on any of the
10 issues that are contained within this statement.
11 So for all those reasons we object to it being
12 entered.

13 MR. MASSOGLIA: Your Honor, I would doubt
14 that the administrative -- the rules in
15 Department of Administrative Hearings expressly
16 allow for testimony to be presented by affidavit.
17 And it is [inaudible].

18 And further Section [inaudible] of the
19 Illinois Code of Civil Procedure states unless
20 other [inaudible] provided [inaudible] in court
21 [inaudible] affidavit is required [inaudible] to
22 be verified. [Inaudible] include a certification
23 of such affidavit in the county of [inaudible]
24 provided in this section. And there nothing

1 related to notarization --

2 ADMINISTRATIVE LAW JUDGE LOMBARDO: Is it
3 certified?

4 MR. MASSOGLIA: Yeah. She certified it.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Then
6 what's the -- just give me -- what's the nature
7 of the affidavit. I don't want to see a copy of
8 it yet. Just kind of give me a summary. Who is
9 this from and what's it about.

10 MR. MASSOGLIA: It is from a former client
11 [inaudible] that was unable to be here today.

12 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.

13 MR. MASSOGLIA: She's going talk about the
14 new information that the affidavit provides is
15 two things. One is that in November and
16 January -- November of 2023 and January of 2024,
17 this group separately [inaudible] applied for a
18 separate use permit from the Chicago Park
19 District.

20 It goes to the fact that these applications
21 are not duplicative. They were conceived of as
22 different events [inaudible] November of last
23 year.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.

1 MR. MASSOGLIA: Further, it indicates
2 her -- she was involved in preparing the
3 applications, indicates her understanding of what
4 is substantially similar, which, again, goes to
5 the determination and the constitutional record
6 [inaudible] ordinance.

7 I can -- there's certainly other things in
8 here. But I will provide Your Honor a copy of
9 you'd like [inaudible].

10 MR. SPAHR: And I would say at this time --
11 I would be objecting on the grounds that they
12 can't cross examine the witness. We wouldn't be
13 willing to take a continuance of the case for
14 that cross examination to be carried out --

15 MR. MASSOGLIA: And [inaudible] verify
16 events from the Chicago Department of
17 Transportation that they would not be accepting
18 2024 applications until the middle of January,
19 which is also contrary to the code and other
20 incidents of [inaudible] discrimination in regard
21 to my client.

22 MR. SPAHR: Judge, all of which is not at
23 issue here today. It's beyond --

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: Right.

1 MR. SPAHR: -- the scope of today's
2 hearing.

3 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll
4 accept the affidavit. I will not consider it and
5 I'll give it the weight as far as the
6 determination for today's issue.

7 MR. MASSOGLIA: Are we going to mark it as
8 an exhibit?

9 ADMINISTRATIVE LAW JUDGE LOMBARDO: Yeah,
10 go ahead and mark it Applicant's 2. So it's part
11 of the record, but it's not really evidence in my
12 consideration.

13 MR. MASSOGLIA: Thank you, Your Honor.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: You're
15 welcome. All right. Thank you.

16 MR. MASSOGLIA: And then just one or two
17 quick final questions of this witness.

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: Go
19 ahead, yeah. [Inaudible].

20
21 BY MR. MASSOGLIA:

22 Q. Kobi, to the best of your knowledge did
23 the Coalition submit applications for the -- to
24 the Chicago Police Department for your march on

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1 August 19th and August 22nd?

2 MR. SPAHR: Objection. Vague and
3 relevance.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO: Repeat
5 it again, please.

6

7 BY MR. MASSOGLIA:

8 Q. To the best of your knowledge, did the
9 Coalition submit an application to the Chicago
10 Parks District for your march on August 19th?

11 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll
12 allow it.

13 A. Yes, we did.

14 Q. And did you submit an application to
15 the Chicago Park District on August 22nd?

16 A. Yes, we did.

17 Q. And do you know -- when did you submit
18 those applications to the Chicago Park District?

19 A. Off the top of my head, I don't know
20 the exact dates, but it was a similar time frame
21 that we submitted the ones to the CDOT.

22 MR. MASSOGLIA: No further questions for
23 this witness, Your Honor.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: Has

1 somebody got a phone or something going?

2 MR. SPAHR: It sounds like it might be a --

3 ADMINISTRATIVE LAW JUDGE LOMBARDO: Is it

4 outside?

5 MR. MASSOGLIA: Yeah.

6 ADMINISTRATIVE LAW JUDGE LOMBARDO: Any

7 cross for this witness?

8 MR. SPAHR: Yes.

9

10 CROSS EXAMINATION

11 BY MR. SPAHR:

12 Q. Mr. Guillory.

13 A. Uh-huh.

14 Q. The organization submitted an
15 application that was received by CDOT on January
16 10, 2024, correct?

17 A. We submitted it, I think, January 8th.

18 But yes, that is correct.

19 Q. Well, they responded with the denial of
20 that initial application on January 22, 2024,
21 correct?

22 A. I know that now but I didn't see it on
23 the day.

24 Q. All right. And the organization, then,

1 eight days later applied again, did you not?

2 A. We did, yes.

3 Q. CDOT specifically in the e-mail that
4 you submitted -- or that Counsel submitted as
5 Number 1, advised you to change the route in that
6 e-mail; is that correct?

7 MR. SPAHR: Objection. Foundation
8 [inaudible].

9 ADMINISTRATIVE LAW JUDGE LOMBARDO:
10 Overruled. He's just testifying about the change
11 in the route.

12 THE WITNESS: Yes, we did. They did and we
13 responded with modified route and we didn't get a
14 response back.

15

16 BY MR. SPAHR:

17 Q. In fact, she said please submit a
18 modified route; that's correct?

19 A. Yes, it is correct. And we did that
20 and we didn't get a response.

21 Q. And then your organization submitted a
22 second application that was received on January
23 30, 2024; is that correct?

24 A. That is correct, yes.

1 Q. And that second application had the
2 same route as the first application, did it not?

3 A. Yes, it did.

4 MR. SPAHR: Nothing further, Judge.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO:
6 Redirect?

7 MR. MASSOGLIA: No further questions, Your
8 Honor.

9 ADMINISTRATIVE LAW JUDGE LOMBARDO: Do you
10 intend to recall?

11 MR. MASSOGLIA: No. And I think -- I feel
12 bad for Mr. Gallardo, but we're -- I don't know
13 that we'll be able to offer anything unless Your
14 Honor will allow proof in the same manner as
15 [inaudible] affidavit.

16 The reason for recalling him would be to
17 ask questions about the appendix to the affidavit
18 indicating apparently and contrary to law that
19 the Coalition could not apply for a permit until
20 the middle of January.

21 ADMINISTRATIVE LAW JUDGE LOMBARDO: I don't
22 see how that would be relevant.

23 MR. MASSOGLIA: I'd like --

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: If

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1 you'd like to recall him, well, I'll him come in.

2 MR. MASSOGLIA: Yeah, we would like to do
3 that.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO: All
5 right. Let's have him come in. Sir. No
6 intention to recall this witness, any of the
7 parties?

8 MR. SPAHR: No, Judge.

9 MR. MASSOGLIA: Not ours.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.
11 You're free to stay or go. Whatever you choose.

12 THE WITNESS: Okay.

13 MR. MASSOGLIA: And after this we have
14 [inaudible].

15 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.
16 Sir, come on and have a seat over here, please.
17 And talk to that microphone. You're under oath
18 from your previous testimony, sir, do you realize
19 that?

20 MR. GALLARDO: Yes.

21 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

22

23 DIRECT EXAMINATION

24 BY MR. MASSOGLIA:

1 Q. Mr. Gallardo, hello again. I promise
2 we'll get you out of here soon. I just have a
3 couple of questions about permit applications
4 submitted in 2023, which then got resubmitted,
5 same organization, same protest, same date. It
6 was denied essentially. Do you recall that
7 application at all?

8 MR. SPAHR: Objection.

9 ADMINISTRATIVE LAW JUDGE LOMBARDO: Are you
10 referring to this -- which permit are you
11 referring to or which application?

12 MR. MASSOGLIA: In 2023, and this is
13 actually -- in 2023 the Coalition submitted an
14 untimely application for the same thing that they
15 did for their first application this time.

16 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

17 MR. MASSOGLIA: And they were told it's too
18 early, you can't apply till the middle of
19 January.

20 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.
21 So you're referring to an application from
22 this --

23 MR. MASSOGLIA: [Inaudible] exact same
24 thing with the same dates.

1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Do you
2 understand that? Why don't you restate the
3 question.

4

5 BY MR. MASSOGLIA:

6 Q. So the first application that was
7 denied was in January; do you remember that
8 application from my client?

9 A. Are you referring --

10 MR. SPAHR: Objection. Your Honor
11 indicated that you are not considering the weight
12 of this affidavit; therefore, any testimony
13 regarding this is irrelevant.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well,
15 no. We've already let him have some testimony on
16 it. You can answer the question.

17 THE WITNESS: Are you referring to the
18 application submitted on the 10th; on January
19 10th?

20

21 BY MR. MASSOGLIA:

22 Q. Yes, that's correct.

23 A. Yes, I recall that submittal.

24 Q. And do you have a copy of that

1 application in front of you?

2 MR. SPAHR: The application marked as
3 City's Exhibit 1?

4 MR. MASSOGLIA: Yeah.

5 THE WITNESS: Okay. I have it in front of
6 me.

7

8 BY MR. MASSOGLIA:

9 Q. And what's the date on that
10 application?

11 A. It was taken in on January 10th of this
12 year.

13 Q. No, what's the date indicated by the
14 applicant?

15 A. That they put on their application?

16 Q. Yes, that's correct.

17 A. On the top line here where it says
18 date, it says August 7, 2023.

19 Q. And do you recall receiving [inaudible]
20 this application in 2023?

21 MR. SPAHR: Objection. Relevance.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll
23 let him answer it.

24 THE WITNESS: No, I don't recall this

1 specific application that was submitted in
2 August.

3

4 BY MR. MASSOGLIA:

5 Q. Did you or to your knowledge, anyone
6 else within CDOT write a letter to the applicant
7 indicating that they can't reapply until the
8 middle of January?

9 MR. SPAHR: Objection, Judge. Calls for
10 hearsay and speculation. And lack of foundation.

11 ADMINISTRATIVE LAW JUDGE LOMBARDO: I mean,
12 if he knows I think he can answer.

13 THE WITNESS: No, I don't recall.

14

15 BY MR. MASSOGLIA:

16 Q. Is there any rule within the code that
17 someone cannot apply for a parade permit until
18 the middle of January?

19 MR. SPAHR: Objection as to relevance and
20 calls for a legal conclusion on behalf of the
21 witness.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: Well, I
23 mean, he enforces the ordinance so he can
24 certainly give an opinion on what he does with

1 applications that are filed early in the year.

2 THE WITNESS: So unless the application is
3 for the month of January, we wouldn't take it in
4 until the year that they are requesting.

5 So if you are applying for an event in
6 2024, you couldn't -- if your event is in
7 January, then we would allow the -- accepting
8 that application in 2023. Otherwise we would not
9 accept that application until the first business
10 day in January of 2024.

11

12 BY MR. MASSOGLIA:

13 Q. Okay. And there's priority given to
14 earlier applications; is that right?

15 A. Well, it's essentially a first come
16 first serve basis. So if two applications come
17 in for the same location on the same day, we
18 would have to consider the one that was submitted
19 first.

20 Q. And you said that you don't remember
21 writing a letter to Ms. Bettino, the Coalition in
22 2023. Is your memory exhausted as to that topic?

23 A. I don't understand what you mean. I
24 mean, I don't recall whether or not we did or did

1 not have any contact regarding that.

2 MR. MASSOGLIA: Judge, can I show him a
3 copy of the note and ask him if that's his
4 handwriting?

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: Again,
6 what's the purpose?

7 MR. MASSOGLIA: [Inaudible].

8 MR. SPAHR: Judge, we'd renew our
9 objection.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: I think
11 you've made the point that you're making a
12 constitutional argument.

13 MR. MASSOGLIA: No further questions, Your
14 Honor.

15 ADMINISTRATIVE LAW JUDGE LOMBARDO: Thank
16 you. Anything else?

17 MR. MASSOGLIA: Oh, yes, thank you for your
18 time today.

19 ADMINISTRATIVE LAW JUDGE LOMBARDO: All
20 set? All right, sir. You're excused, you're
21 free to go.

22 MR. GALLARDO: Okay. All right. Thank
23 you.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: Thank

1 you. Appreciate it. Any other witnesses?

2 MR. MASSOGLIA: Yes, we have one further
3 witness [inaudible].

4 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

5 You can call the witness.

6 MR. MASSOGLIA: [Inaudible].

7 ADMINISTRATIVE LAW JUDGE LOMBARDO: Good
8 morning, sir. Just sit in that seat and kind of
9 pull yourself up to that microphone. Just direct
10 your voice to that. You don't really need to
11 yell or anything. Just kind of keep your voice
12 raised, okay?

13 MR. IOSBAKER: I'll try.

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: And
15 what is your name?

16 MR. IOSBAKER: Joe Iosbaker.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: And
18 spell your last name.

19 MR. IOSBAKER: I-O-S-B-A-K-E-R.

20 ADMINISTRATIVE LAW JUDGE LOMBARDO: Raise
21 your hand for me. Do you swear or affirm
22 testimony you're about to give will be the truth,
23 the whole truth, and nothing but the truth?

24 MR. IOSBAKER: I do.

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1 ADMINISTRATIVE LAW JUDGE LOMBARDO: All
2 right. Counsel, you can proceed.

3

4 DIRECT EXAMINATION

5

6 BY MS. SPREADBURY:

7 Q. Good morning, Mr. Iosbaker. Are you a
8 member of the Chicago Alliance Against Racist &
9 Political Repression?

10 A. I am.

11 Q. I'm going to refer to this Chicago
12 Alliance Against Racist & Political Repression as
13 the Alliance; is that okay?

14 A. Yes, that's fine.

15 Q. What is the Alliance?

16 A. It's an organization that has been
17 around since 1973. Originally created to fight
18 for freedom for political prisoners like Angela
19 Davis. Angela Davis actually was one of the
20 founders.

21 And over its 50 years it has mostly focused
22 on organizing against racist policing and you
23 know, to free not only political prisoners, but
24 all the wrongfully convicted.

1 Q. And how long have you been a member of
2 the Alliance?

3 A. This is my tenth year.

4 Q. And how does the Alliance relate to the
5 Coalition to March on the DNC [inaudible]?

6 A. So the Alliance is the local group that
7 initiated the first meeting of this Coalition.

8 Q. And are you a part of the
9 decision-making team for the Coalition?

10 A. Yes. We have Coalition meetings where,
11 you know, we -- yeah, all the Coalition partners.
12 I'm part of the Coalition meetings.

13 Q. And did the Coalition intend to only
14 march on the DNC for one day?

15 A. No.

16 Q. Why did the Coalition want to march on
17 the DNC on multiple days?

18 A. So there are two reasons. One is
19 that -- initially we'd only thought about
20 marching on one day. But as the genocide in Gaza
21 unfolded in October and November --

22 MR. SPAHR: Objection, Your Honor.

23 Nonresponsive.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: Let's

1 just keep the answers to the point of the
2 question, please.

3 THE WITNESS: So we decided to march on a
4 second day.

5

6 BY MS. SPREADBURY:

7 Q. And has the Coalition applied for
8 parade permits to march on the DNC 2024?

9 A. Yes.

10 Q. And are you aware of any parade permits
11 being denied?

12 A. Yes.

13 Q. Do you know why the August 22nd
14 application was denied?

15 MR. SPAHR: Objection. Misstates evidence.
16 And relevance, Judge.

17 MS. SPREADBURY: It goes to why -- this
18 goes directly to --

19 ADMINISTRATIVE LAW JUDGE LOMBARDO: I don't
20 think there's any evidence that an August 22nd
21 permit has been denied.

22

23 BY MS. SPREADBURY:

24 Q. Did the Coalition receive a letter

1 regarding their August 22, 2024 application?

2 A. Yes.

3 Q. And what did that letter say?

4 A. It denied us a permit.

5 Q. And why did it say it denied the
6 permit?

7 A. Because of some language regarding the
8 request being duplicitous.

9 Q. And do you know what means?

10 A. Not really, no.

11 Q. Did the Coalition intend for these
12 applications to be duplicitous?

13 MR. SPAHR: Objection. Calls for
14 speculation,

15 MS. SPREADSBURY: I'll rephrase.

16

17 BY MS. SPREADSBURY:

18 Q. Did the Coalition intend for these --
19 for the application to be a repeat of the first
20 because you only wanted to march [inaudible]?

21 MR. SPAHR: Objection. Leading.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO:

23 Sustained.

24

1 BY MS. SPREADBURY:

2 Q. Did the Coalition intend to also march
3 on August 22nd?

4 A. Yes.

5 Q. So when you applied for the August 22nd
6 march, were you repeating the August 19th march?

7 MR. SPAHR: Objection. Leading.

8 ADMINISTRATIVE LAW JUDGE LOMBARDO: Answer
9 the question.

10 THE WITNESS: We were not repeating the
11 August 19th march.

12

13 BY MS. SPREADBURY:

14 Q. Mr. Iosbaker, do you have experience
15 planning large demonstrations in Chicago?

16 A. I do.

17 Q. Can you elaborate on your experience?

18 A. So I have been a peace activist and a
19 trade unionist and now a member of the Alliance
20 since I was 18 years old. I've been involved in
21 large demonstrations, including the march against
22 NATO when they were here in 2012.

23 Q. Did you help organize any large
24 demonstrations in the past?

1 MR. SPAHR: Objection. Relevance, Judge.

2 ADMINISTRATIVE LAW JUDGE LOMBARDO: I'll
3 allow it.

4 THE WITNESS: Yes, I've helped organize
5 quite a few.

6

7 BY MS. SPREADBURY:

8 Q. What are some of those examples?

9 A. One of the ones that's best known is I
10 was the advisor to the student organization at
11 the University of Illinois at Chicago that
12 marched against Donald Trump when he tried to
13 speak on our campus in March of 2016.

14 Q. And do you have any other experience of
15 organizing large protests that had parade
16 applications?

17 A. Yes. The march against NATO we had a
18 parade application and also the Chicago Alliance
19 had a parade application for a march we did in
20 2015.

21 Q. And what are some of the things that
22 you, in your organizing experience, implement to
23 help keep parades safe?

24 MR. SPAHR: Objection. Relevance.

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1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Ma'am,

2 where are you going with this stuff, Counselor?

3 UNIDENTIFIED ATTORNEY: Just to show that

4 he has a history and experience of organizing

5 parade apl -- of organizing in Chicago.

6 MR. SPAHR: Judge, it's beyond the scope of

7 today's hearing, though. The only thing at issue

8 is the duplicative nature. None of this is

9 relevant.

10 MR. MASSOGLIA: I'd like to object to

11 Counsel's laughter in the background.

12 ADMINISTRATIVE LAW JUDGE LOMBARDO: You

13 have to what?

14 MR. MASSOGLIA: I said I'd like to object

15 to Counsel's laughing in the background of my --

16 ADMINISTRATIVE LAW JUDGE LOMBARDO: Oh, I'm

17 sorry. I didn't hear any laughing. Audience,

18 please keep comments and laughter to yourselves.

19 All right?

20 As far as the objection. I don't think

21 it's relevant. I was giving you some leeway to

22 see where you're going with this. I mean, it

23 doesn't seem like you're going anywhere to the

24 point, all right? So I think he got enough

1 testimony to show that he does have some
2 experience --

3 UNIDENTIFIED ATTORNEY: Okay. I'll move
4 on.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: --
6 forming parades and so forth. But yeah, move on,
7 please.

8 UNIDENTIFIED ATTORNEY: Okay. Thank you,
9 Your Honor.

10

11 BY MS. SPREADBURY:

12 Q. Why -- do you think it's -- why did the
13 Coalition apply to get a parade permit?

14 A. Because we're determined that this
15 mobilization would be family friendly.

16 Q. What do you mean by family friendly?

17 A. Literally, that families can bring
18 little kids in strollers and other communities
19 that are concerned about safety, you know. We
20 have -- in our Coalition, we have an organization
21 of undocumented immigrants. In our Coalition, we
22 have people who are recently released from
23 prison.

24 And so we're -- we have a number of

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1 constituent groups -- constituent groups that are
2 very concerned that they be safe in the protest.

3 Q. Changing gears just a little bit, are
4 you aware of any alternate routes --

5 MS. SPREADBURY: Can I confer with counsel
6 for just one second?

7 ADMINISTRATIVE LAW JUDGE LOMBARDO: Sure.

8

9 BY MS. SPREADBURY:

10 Q. Just a few more questions.

11 Mr. Iosbaker, do you know of any groups planning
12 on protesting the DNC whose application got
13 approved?

14 MR. SPAHR: Objection.

15 ADMINISTRATIVE LAW JUDGE LOMBARDO:
16 Sustained.

17 UNIDENTIFIED ATTORNEY: No further
18 questions --

19 MR. MASSOGLIA: Your Honor, we have sort of
20 two other questions in terms of how conclude our
21 presentation. The first would be, we'd like to
22 get into the record evidence that the Chicago
23 Police Department called another applicant and
24 did not call our client.

1 And the reason we would like to -- we have
2 two routes for doing that. We have the
3 transcript from another parade hearing, which we
4 could -- it's certified, we could -- if you could
5 take notice of it.

6 Or we could call Mr. Thayer, Indie Thayer,
7 who is right there, who was actually present and
8 the applicant in that incidence on behalf of his
9 organization.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: Uh-huh.

11 Well, let's do --

12 MR. MASSOGLIA: I don't want to belabor
13 things --

14 ADMINISTRATIVE LAW JUDGE LOMBARDO: Let's
15 do this. Let's get the cross done on this
16 witness --

17 MR. MASSOGLIA: Excellent point, Judge.

18 ADMINISTRATIVE LAW JUDGE LOMBARDO: Thank
19 you. Any cross for this witness?

20 MR. SPAHR: No cross based on that, Judge.

21 ADMINISTRATIVE LAW JUDGE LOMBARDO: All
22 right. Okay, now, what is it that you're trying
23 to do?

24 MR. MASSOGLIA: We'd like to either

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1 introduce the transcript into the record or call
2 a witness who can speak to one precise and
3 specific issue about whether or not CPD
4 communicated with other applicants in a way that
5 they not with our client.

6 ADMINISTRATIVE LAW JUDGE LOMBARDO: Denied.

7 I don't think it's relevant here. You have your
8 standing objection -- or you have your response
9 to the standing objections to your previous
10 attempts to get that information in. So you can
11 do that what you may on the record, okay?

12 MR. MASSOGLIA: Okay.

13 ADMINISTRATIVE LAW JUDGE LOMBARDO: You can
14 file on appeal. All right. Anything else for
15 this witness?

16 UNIDENTIFIED ATTORNEY: No, Your Honor.

17 ADMINISTRATIVE LAW JUDGE LOMBARDO: You're
18 excused, sir. You can either leave or you're
19 free to stay. Anything else?

20 MR. MASSOGLIA: We rest, Your Honor.

21 ADMINISTRATIVE LAW JUDGE LOMBARDO:
22 Closing?

23 MR. SPAHR: If we could just have a moment.

24 ADMINISTRATIVE LAW JUDGE LOMBARDO: Sure.

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1 MR. DIONNE: Can we take a couple moments,
2 Judge, before we do closing.

3 ADMINISTRATIVE LAW JUDGE LOMBARDO:
4 Absolutely. Take a recess?

5 MR. SPAHR: Yes.

6 ADMINISTRATIVE LAW JUDGE LOMBARDO: All
7 right. How about ten minutes. Whatever you guys
8 want.

9 MR. SPAHR: Sounds good.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: How
11 about this. We'll return at 11:00 a.m.

12 MR. SPAHR: Okay. Thank you.

13

14 (A SHORT RECESS WAS TAKEN.)

15

16 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.
17 Reconvening for March on the DNC 2024, Docket
18 24PA000003. We had taken a short break. Seems that
19 all the testimony is completed, both the parties have
20 rested and we're into closing arguments, correct.

21 MR. SPAHR: Yes.

22 MR. MASSOGLIA: Yes, Your Honor.

23 ADMINISTRATIVE LAW JUDGE LOMBARDO: City,
24 closing argument?

1 MR. MASSOGLIA: Yes, Judge. In closing,
2 the City argues that none of the testimony relayed
3 from the Petitioner in this matter is relevant as to
4 the Department of Transportation's consideration of
5 the permit applications.

6 Assistant Commissioner Bryan Gallardo
7 testified today as to the two applications and his
8 review of the process. When reviewing the
9 applications side-by-side, the first application
10 marked as City's Exhibit 1 was received by CDOT on
11 January 10, 2024. City's Exhibit 3 is a permit
12 application submitted by the Petitioner on January
13 30, 2024.

23 Bryan Gallardo even went on to testify as
24 to his opinion and understanding of what is

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1 considered a unit when considering these applications
2 and on Page 2 of Exhibit 1 and Exhibit 3, the
3 Petitioner indicates the same amount of units.

4 When reviewing the ordinance at its plain
5 language, it is clear that no person or organization
6 may submit more than one application for a parade
7 substantially similar in theme or units. Here we
8 have the exact same units and the same organization
9 submitting their request.

10 As to (d) (3) where a person or
11 organization submits multiple applications for the
12 same parade date or a parade substantially similar in
13 units or theme described or requesting an alternate
14 date or route, whether by using one name or multiple
15 names, that person or organization shall not be
16 eligible for such a permit and shall be in violation
17 of the ordinance.

18 The facts are clear here that the two
19 applications are submitted by the same organization
20 with just an alternate date.

21 The commissioner is authorized, pursuant
22 to (d) (4), to disregard the application that is a
23 basis of the -- submitted in violation of the
24 ordinance.

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1 The City would ask that this court affirm
2 the denial sent by the Department of Transportation
3 on February 1, 2024, in regard to the application
4 submitted by the Petitioner on January 30th.

5 ADMINISTRATIVE LAW JUDGE LOMBARDO: All
6 right. Thank you. Applicant, final comments?

7 MR. MASSOGLIA: Thank you, Your Honor. I
8 believe we have a post-hearing motion to discuss
9 afterwards, but I'll give my close first. I thank
10 the Court for its patience with us presenting our
11 case, which is about something really important.

12 It's about an organization of people who
13 want to change the world for the better, who since
14 2023 have been planning for multiple parades at the
15 2024 Democratic National Convention.

16 They applied [inaudible]. They were told
17 incorrect law by Chicago Department of
18 Transportation. They saved the application and
19 applied again in January. Their application is
20 rejected on similar grounds as other applications
21 have been rejected for marches on the DNC. And they
22 submit another one.

23 They hadn't realized that their first
24 application was rejected at the time period they sent

1 the second application, and eventually it's denied as
2 duplicative.

3 You know, they didn't know, but they know
4 now, that they can be fined or imprisoned for
5 submitting duplicative applications. That is
6 offensive to the Constitution when my clients just
7 want to spread a hopeful message in a time when the
8 world is full of misery.

9 They want people from all ages, abilities,
10 walks of life to be together in a place where they
11 can feel safe and actually be safe expressing their
12 rights most cherished in this country under the First
13 Amendment.

14 So the marches, themselves, are inherently
15 different. They are on different dates, they have
16 different purposes, they are at different postures of
17 the Democratic National Convention.

18 And so what we're left with is we're left
19 with a vague statute as to the Subsection (d), which
20 is addressing duplicative. It is completely
21 impossible to understand how a person, an applicant,
22 somebody who is organizing and carrying a day job,
23 could possibly make sense of that when they're -- it
24 was pretty difficult to even make and understand --

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1 pretty difficult to make an understanding from the
2 testimony that you've heard today.

3 The statute is -- seems to be quite overly
4 restrictive in terms of the time, place, and manner.
5 If read to its absurd conclusion you can never have
6 two parades on the same topic around the same event,
7 even if they have different purposes. You get sort
8 of one parade and you're done. And if you apply --
9 you can't apply again or maybe you get imprisoned,
10 that can't be right.

11 And I understand that this Court isn't
12 ruling on the constitutional questions, and I
13 appreciate being allowed to make this record. But
14 what I think is --

15 The final constitutional point I'd like to
16 make is that the statute was unevenly applied based
17 on the viewpoint of the applicants. There's no call
18 from Chicago Police Department, there was no followup
19 from Ms. Pollack at Chicago Department of
20 Transportation after my clients proposed an alternate
21 route.

22 And so what they're left with is this
23 scenario where, you know, they submitted a similar
24 application for a different event. It's been denied

1 as duplicative and now the Court is -- this Court
2 here is going to rule on whether or not that denial
3 was proper.

4 I think the most important thing, one of
5 the most important things for the Court to consider
6 in making that analysis is whether or not the statute
7 was violated on its face by Mr. Gallardo's failure to
8 consult with the Chicago Police Department about the
9 second application.

10 Subsection (f) clearly indicates that they
11 shall consult and shall provide copies of
12 documentation when there is a permit application.
13 [Inaudible] qualifier is shall consult. I can
14 actually read the direct language in.

15 Yeah, "The commissioner shall investigate
16 the facts set out in the application, in consultation
17 with the police department, which shall be sent
18 copies of the application immediately upon receipt."
19 That's mandatory. And none of this had happened.

20 There's testimony that didn't happen.
21 That is enough to render this appeal, this decision
22 annulled and that the Court can rule on that ground
23 alone, that this appeal isn't proper. And give my
24 clients a chance to spread their message [inaudible].

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1 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

2 Thank you. Appreciate it. You said there was some
3 post-trial motions?

4 MR. MASSOGLIA: Oh, yes. We're --

5 frankly, I don't have the record. Counsel, in his
6 closing argument, sort of got -- went into the units
7 question and I believe you had indicated the door
8 was -- I believe that you had indicated was not
9 relevant or outside of the scope or something --

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: Yeah,
11 I don't remember hearing about it in the direct
12 examination is what I had said. Maybe I was wrong,
13 but I didn't remember hearing that.

14 MR. MASSOGLIA: So we would -- I guess,
15 then, really what we would like is to unfortunately
16 burden Mr. Gallardo again ask him more questions
17 about what units means and whether parades are
18 similar or not.

19 ADMINISTRATIVE LAW JUDGE LOMBARDO: I
20 don't think it's necessary.

21 MR. MASSOGLIA: Thank you.

22 ADMINISTRATIVE LAW JUDGE LOMBARDO: I
23 think the record is complete.

24 MR. MASSOGLIA: Thank you, Your Honor.

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1 ADMINISTRATIVE LAW JUDGE LOMBARDO: All

2 right. Anything else?

3 MR. MASSOGLIA: No, Judge.

4 ADMINISTRATIVE LAW JUDGE LOMBARDO: Okay.

5 Under the ordinance I have 48 hours to render my
6 decision. I'll reduce it to writing and send copies
7 to both parties.

8 MR. MASSOGLIA: Thank you, Judge.

9 MR. SPAHR: Thank you, Judge.

10 ADMINISTRATIVE LAW JUDGE LOMBARDO: Thank
11 you. Appreciate it. And everybody in the audience,
12 I appreciate your appearance. You were all very good
13 as far as keeping the noise down and not disrupting
14 the process. So I appreciate that. Thank you.

15

16 (END OF PROCEEDING)

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1 I, Susan Bonomo, do hereby certify or affirm
2 that I have impartially transcribed the foregoing
3 from an audiotape record of the above-captioned
4 proceedings to the best of my ability.

5 _____
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7 Susan Bonomo
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